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# Establishment of inner city reserves

# Establishment Of Inner City Reserves

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*A dissertation submitted in  
partial fulfillment of the  
requirements for the diploma  
of Landscape Architecture  
in the University of  
Canterbury.*

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Dennis C. Preston  
Lincoln College  
1987

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# *ABSTRACT*

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This study examines some recent developments in the establishment procedures of small urban parks in a modern city. North American experiences are related to New Zealand approaches to inner city reserves. Colonial ideals and establishment mechanisms are compared with present day legislation and implementation procedures. Three new inner city Christchurch reserves are illustrated and some general design guidelines presented. A summary of problems, possible sources of those problems and new approaches to reserve establishment is made.

## **KEYWORDS**

Inner city reserves; urban parks; vest-pocket parks; open space; amenity; park design; Reserves Act 1977; Town and Country Planning Act 1977; parks; planned settlements; Christchurch settlement; Canterbury Association; Christchurch reserves; Christchurch City Council.



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# *CONTENTS*

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ABSTRACT .....	i
ACKNOWLEDGEMENTS.....	iii
INTRODUCTION.....	1
CHAPTER 1 OVERSEAS DEVELOPMENT.....	5
1.1 Changing awareness .....	5
1.2 Understanding the function of urban parks .....	6
1.3 Legal and conceptual developments .....	7
1.4 The role of public participation .....	8
1.5 The importance of site selection.....	9
1.6 Conclusion.....	10
CHAPTER 2 NEW ZEALAND DEVELOPMENT .....	11
2.1 Quantity and quality .....	13
2.2 Standards .....	14
2.3 Finance .....	16
2.4 Inner city development.....	16
2.5 Inner city population .....	16
2.6 Conclusion.....	16
CHAPTER 3 HISTORY.....	17
3.1 Early 19th century and the British park movement .....	17
3.2 New Zealand colonisation .....	19
3.3 The site of Christchurch .....	20
3.4 The European settlement of Canterbury.....	21

3.5	The source of planning instructions .....	24
3.6	An early description of inner city reserves .....	26
3.6.1	Market Place .....	26
3.6.2	Latimer Square .....	27
3.6.3	Cranmer Square .....	30
3.6.4	Cathedral Square .....	31
3.6.5	Hagley Park .....	32
3.6.6	Town Belts .....	33
3.7	Conclusion .....	34
CHAPTER 4	LEGISLATION .....	37
4.1	Reserves Act, 1977 .....	37
4.1.1	Reserve creation .....	38
4.1.2	Classes of reserves .....	38
4.1.3	Reserve management .....	38
4.1.4	Leasing .....	39
4.1.5	Authority .....	39
4.2	Town and Country Planning Act, 1977 .....	39
4.2.1	The Christchurch City District Scheme .....	40
4.3	Local Government Act, 1974 .....	41
4.3.1	Reserve contribution .....	41
4.3.2	Access and preservation .....	41
4.3.3	Bylaws .....	41
4.4	Conclusion .....	41
CHAPTER 5	IMPLEMENTATION .....	43
5.1	Christchurch City Council Town Planning Department .....	43
5.1.1	Urban renewal policy .....	44
5.1.2	Public amenity proposals .....	44
5.1.3	Aquisition of land .....	45
5.2	Christchurch City Council Parks and Recreation Department .....	45
5.2.1	Changing uses .....	46
5.3	Community Service Group .....	47
5.4	Housing Corporation Community Housing Improvement Programme .....	47
5.5	Examples of three new inner city reserves .....	48
5.5.1	Bangor Street Reserve .....	48
5.5.2	Peter Scoular Park .....	49
5.5.3	Colombo Street bus stop .....	51
5.6	Conclusion .....	51

---

CHAPTER 6	PARK DESIGN .....	53
6.1	Location .....	54
6.2	Variety .....	54
6.3	Definition .....	55
6.4	Exposure .....	56
6.5	Park components .....	57
6.5.1	Seating .....	57
6.5.2	Features .....	58
6.5.3	Trees .....	59
6.5.4	Colour, texture and pattern .....	59
6.5.5	Lighting .....	60
6.5.6	Edges .....	60
6.5.7	User friendly .....	61
6.6	Conclusion .....	61
	SUMMARY .....	63
	BIBLIOGRAPHY .....	65
	APPENDICES .....	73
A	Canterbury Association Membership .....	74
B	Chronology of early legislation relating to Christchurch reserves .....	75
C	Early legislation .....	76

# *INTRODUCTION*

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Urban reserves represent a major commitment to fixed land use and are an important element in city planning. Modern planning procedure is heavily development oriented, often restraining the establishment of new inner city reserves. Consequently the open space network has generally been made up of old, large and often widely dispersed city reserves.

In more recent times there has been a move away from perceiving the urban public space in purely aesthetic and environmental terms. City administrators are now responding to the needs of particular cultures, city environments and peoples.

A movement to provide a wider variety of public space that was readily accessible to city users, emerged in the United States during the 1960s. New Zealand city administrators have taken the same approach although as yet not as comprehensively as the United States experience.

This study has three main objectives:

- a) to examine the original objectives and mechanisms for establishing inner city reserves in New Zealand;
- b) to outline the present day objectives of inner city reserves; and
- c) to identify the procedures and mechanisms whereby new reserves are established.

The placement of a reserve into an existing city framework requires careful design. These design problems and some solutions are examined in this study.

## SCOPE

I have drawn on overseas literature to obtain a broad approach to the function, establishment and design of inner city parks.

Development, legislation and the implementation of new reserves is looked at from a New Zealand perspective with a heavy reliance on the Christchurch City Council experience.

The final chapter on design draws heavily on overseas material. Design approaches are kept general as individual sites will have attributes that require specific solutions.

Many European cities lay in ruin after World War II. Part of their reconstruction was to include more small urban parks. That work, and the experience gained, must have been influential in the United States during the 1960s. But unlike Europe, administrators in the United States and New Zealand were dealing with an existing city structure. Therefore the recent European situation is not discussed in any depth.

## FORMAT

During the 1960s in the United States a greater emphasis on the needs of a large cosmopolitan city emerged. Concurrently a better understanding of the functions of small urban parks was reached. It was a movement adopted by New Zealand city officials, but brought with it some associated problems. Chapters 1 and 2 look at the overseas and New Zealand development of urban parks.

Park establishment in New Zealand cities during colonisation was often for quite specific reasons. The presence of bare sites and the chronic shortage of funds resulted in administrative procedures different from today. Establishment and management mechanisms of early New Zealand reserves are looked at in chapter 3.

New Zealand reserves are administered by complex legislative procedures. The establishment of new reserves must cope with an existing city network of land ownership, local and national regulations and a great diversity of users. Chapters 4 and 5 outline the relevant legislation and some of the approaches a modern New Zealand city council adopts to implement the establishment of new reserves.

Although good park design cannot be blue-printed there are general principles to follow. The final chapter presents some of those principles.

# *1. OVERSEAS*

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Open space needs within a modern city have not changed since early Victorian times. Victorian park proponents stated that open space is necessary for the health, welfare and safety of the city dweller (Chadwick, 1966). The physical need of city dwellers for sunlight and fresh air, and their psychological need for the sight and smell of grass, for trees and open sky was recognised. A renewed interest in small urban parks occurred in the 1960s with the development of the 'vest-pocket park' in some rundown, downtown, areas of New York (Seymour, 1969).

Small urban parks became an established feature in many cities only after an awareness of changing needs in a changing city, developed. Then came a greater functional understanding of small urban parks, a changed perception on park design and the importance of public participation and site selection in park establishment. Parallel to these developments was an increasing legislative system relating to the establishment and management of new parks.

## **1.1 CHANGING AWARENESS**

This renewed interest in small urban parks can be attributed to a growing awareness of the following factors:

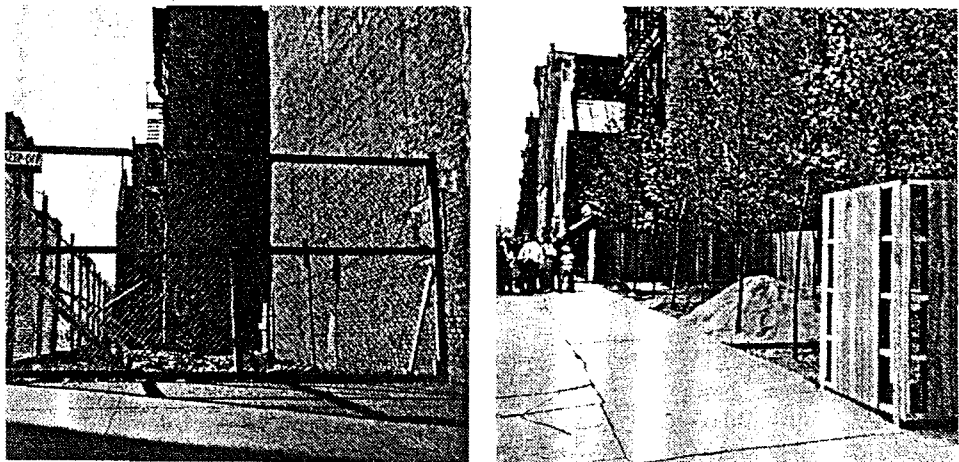
- that green open spaces in a city had become concentrated in a few excessively large parks which were not easily accessible to the office worker or shopper (Cranz, 1982);



- established parks were often neglected or poorly designed. As was apparent elsewhere in cities, nature had become dominated by people and concrete (Nohl, 1982);
- such open spaces lacked beauty and harmony and so were unattractive to those who used them;
- parks were designed without regard to the diversity of the man-made environment and the people who lived and worked in it. Instead of providing a multiplicity of open space there was significant uniformity in type and size of parks; and
- pressure from new roading and building increased competition for land so that small urban parks were forced into small, disconnected, irregular and often disused sites (Fig.1).

Thus came recognition of the need to link all open space into a comprehensive system where a continuous strip of public land weaving through the city, would incorporate all amenities comprising the open space system. Using temporary and accidental openings, the parks could be linked with plazas, pedestrian walks, water fronts, malls and cycleways.

*Figure 1. Pressure from new developments and roading forced urban parks onto small, often, disused sites. From Seymour.*



## 1.2 UNDERSTANDING THE FUNCTION OF URBAN PARKS

Despite acknowledgement of the overall value of open space, the next step was to gather more information and develop a better understanding of the multitude of functions of small urban parks in city open space (Burton, et al. 1977).

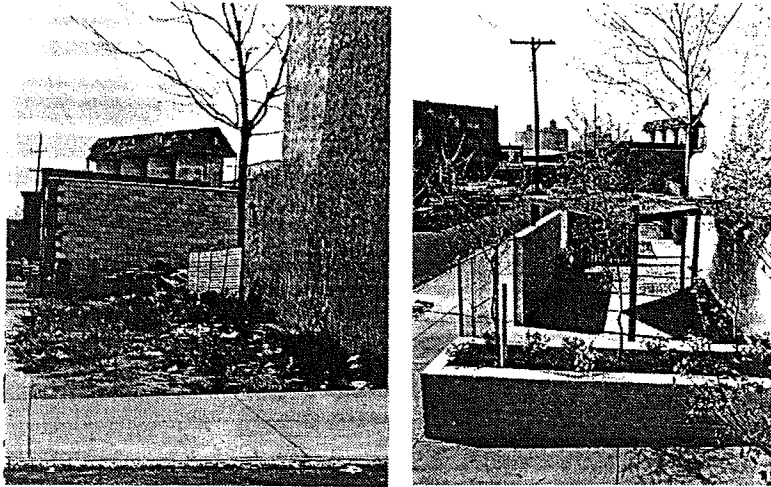
Small urban parks serve a social function by bringing people together, thus encouraging meetings and encounters. They give visual amenity,

adding elements of surprise, intricacy, variety and richness to a city (Fig.2) and can instill pride and community spirit in inner city dwellers (Cleveland Development Foundation, 1964).

Small parks make 'economic' sense. Office workers returning to work refreshed, are more productive. The shopper who is able to rest and recuperate will return to shopping, whereas those that cannot, are more likely to return home.

Giving identity to a site through retention of landscape features or views, reinforces a 'sense of place', hence the park becomes not 'just something to sit in', but part of the larger cityscape.

Jackson (1984) states that the small urban park could be the last remnant of a role that the plaza, town square or forum once served. That role where *'we reveal our identity as part of an ethnic, religious or political society and it exists to reinforce that identity'*.



*Figure 2. Small urban parks provide an amenity value by adding elements of surprise, intricacy and variety. From Seymour.*

### 1.3 LEGAL AND CONCEPTUAL DEVELOPMENTS

Although a better understanding emerged concerning the importance of small urban parks in the social and economic life of the city, there were difficulties getting them established in an increasingly dehumanised environment where competition for space was intensifying.

In the United States, two important developments helped establish small urban parks as an integral part of city planning. The 1961 American Housing Act authorised grants to Local Government, of up to 30 percent of the cost of land purchased for recreational, conservation, historic or scenic purposes. In 1965, the Urban

Beautification Programme of America provided government grants for the construction of pedestrian malls, improvement and development of existing parks in cities, purchase of street furniture and landscaping of public places (Weaver, 1969).

An important change in attitude which proved to be a key element in establishing the present day urban park, accompanied these developments. Escape from the old concept that a city park must be a green square with a statue in the middle enabled planners to look at previously ignored corners of open space available around the city, at areas above ground level, pedestrian ways and even roadways as potential sites (Weaver, 1969).

#### **1.4 THE ROLE OF PUBLIC PARTICIPATION**

Along with the city officials and professionals who provide the basic information for park establishment, public participation became seen as a vital component to ensure successful implementation of small urban parks (Fig.3). Burton (1977) saw the benefits of public participation as:

- providing decision makers with some understanding of public opinion, preferred community goals and values;
- providing additional information which may be overlooked by city officials;
- resulting in policies and programmes more responsive to public needs;
- a source of new ideas and imaginative alternatives; and
- a more knowledgeable community which as a consequence is supportive of the policies and programmes to be implemented, emerges.

Large public support also provided momentum and stimulus to ensure projects were completed.



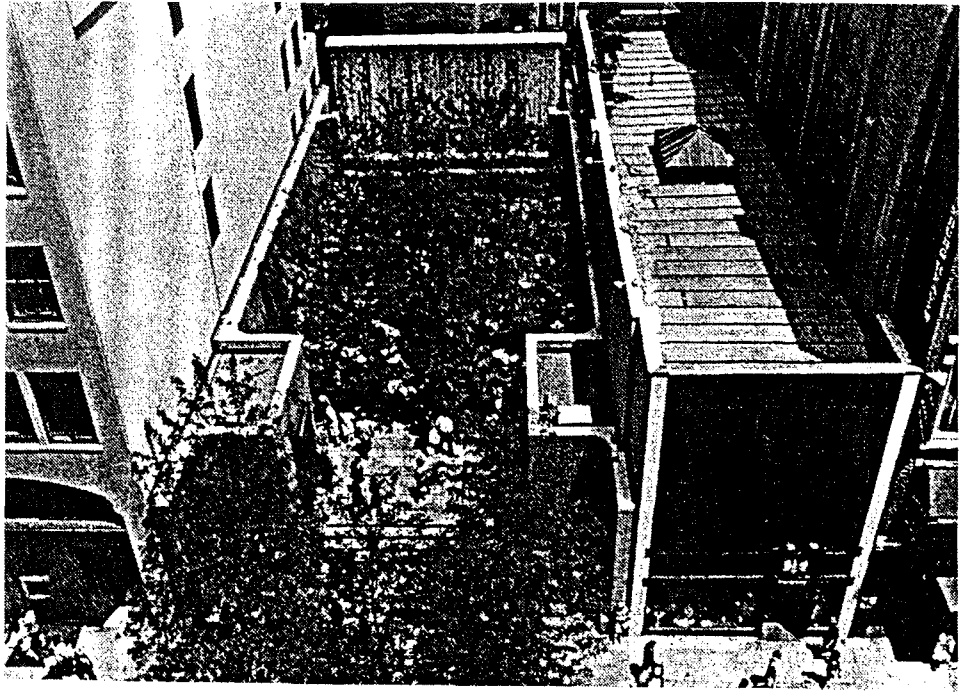
*Figure 3. Public participation, a vital component in any successful small urban park. From Weaver.*

## 1.5 THE IMPORTANCE OF SITE SELECTION

Final refinement to the establishment process came with emphasis on the selection of the most appropriate site. Because of pressure on land, selection of a particular site in preference to another, must be correct (Fig.4). Weaver (1969) lists four selection criteria:

- it is imperative that land to be acquired is not only compatible with efficient land use in a metropolitan area, but serves as a key to such use;
- in each city or area, one must consider for which of a variety of purposes that land should be acquired. There should be a balance of parks, recreation properties and conservation areas;
- the site selected must ensure that money is spent effectively; and
- ensure that site selection responds to a need rather than a demand.

*Figure 4. Paley Park Manhattan, an example of a vest-pocket park that developed in the America during the 1960s. From Spirn.*



## 1.6 CONCLUSION

Overseas, particularly the United States, renewed interest and appraisal of small urban parks (vest-pocket parks) has resulted in the establishment of new parks in the inner city. The revival movement was comprehensive and spread to most major United States' cities. It was a movement that was generally accepted by the city administrators and the public.

## *2. NEW ZEALAND*

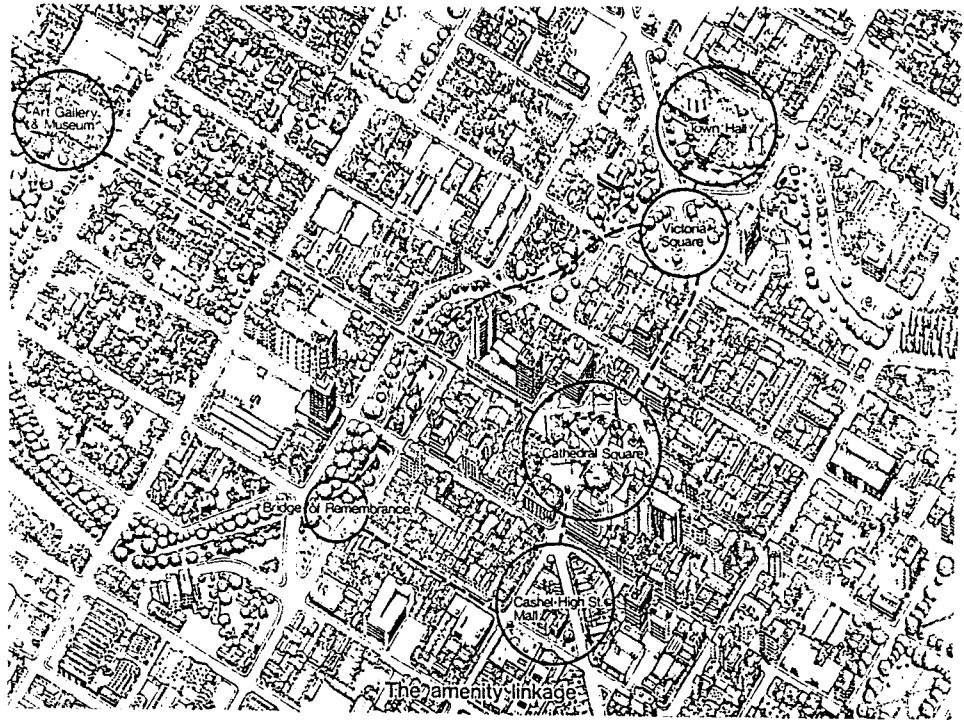
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As in other countries, the value of open space in New Zealand cities has been realised. The 1973 City of Christchurch Open Space and Recreation Report outlined the benefits of open space. These are similar to those discussed in previous sections:

- open space contributes to the physical and mental well-being of the urban dweller;
- open space has an amenity value where it gives diversity to a monotonous environment;
- it gives opportunities for social contact;
- it helps establish identity and a sense of place; and
- there is an economic benefit where open spaces contribute to healthy, active people and therefore a more efficient workforce (Christchurch City Council, 1974).

New Zealand administrators and planners are aware of the need for an open space network, or linkage, in city planning. The Christchurch City Council District Scheme sets out a proposal for an 'amenity linkage' running through the Central Commercial District (Fig.5).

Figure 5. ChCh City Council's proposal for an 'amenity linkage' as set out in the District Scheme.



In the 1970s, specific functions of the small urban park were understood by administrators. The Ministry of Works and Development (1977) saw small urban parks as areas which *'provide comfortable seating for shoppers to eat meals, relax or watch the world go by'*. This report also provided detail on park design.

However, overall understanding of the functions and values of small urban parks has not been as comprehensive in New Zealand as overseas. Establishment of new parks has been patchy, often being dependent on the enthusiasm of individuals or groups than any clear national objective. Also the separation of the small urban park from the larger community park is not well defined.

Apart from a few notable exceptions, i.e. Christchurch's Stewart Fountain and the Peter Scouler Park and Wellington's Midland Park (Fig.6), New Zealand cities have very few small public spaces that have a *'sense of identity'* and a sense of *'being somewhere special'*, that many overseas small urban parks display (Bird and Reed, 1984).



*Figure 6. Midland Park Wellington, 'what most attracts people to parks is other people' (Whyte, 1982). From Woodward.*

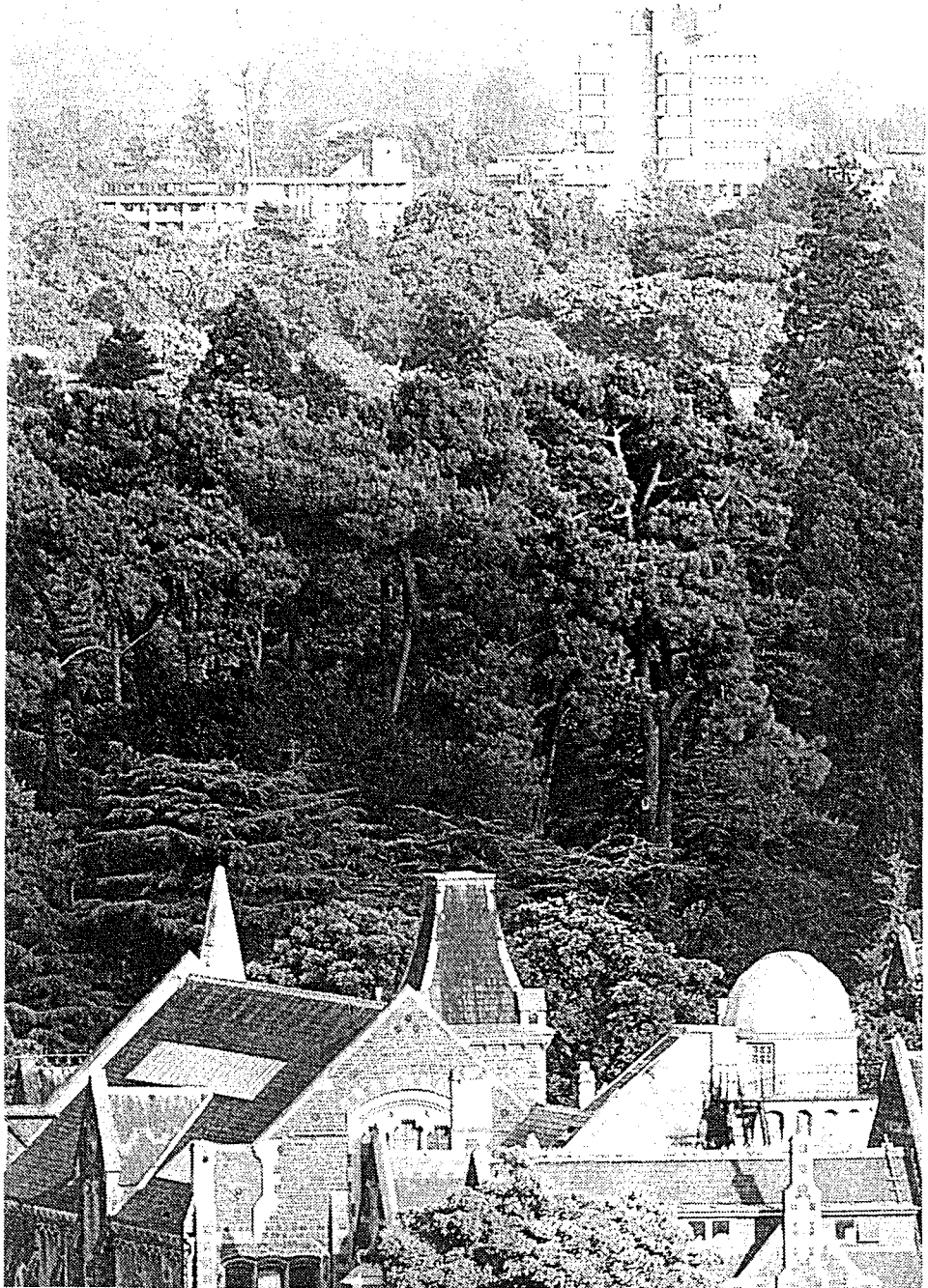
Only now are New Zealand authorities looking at inner city reserves with the understanding and knowledge that some overseas countries have been using in the last 20 years. Governing authority perception of available space, the use of standards in park establishment, lack of finance, emphasis on commercial development in the inner city and a small residential population are reasons why New Zealand has been slow to establish small urban parks.

## 2.1 QUANTITY AND QUALITY

If considered purely on a ratio of people to park area New Zealand cities are well endowed with open space, compared to European and North American cities. Because the quantity of open space has not been perceived as a problem, it has been difficult for authorities to focus attention on the adequacy and quality of that open space (Fig.7).



*Figure 7. Looking west across Hagley Park and Riccarton Bush to University of Canterbury, 1987. Courtesy of Trust Bank Canterbury.*



## 2.2 STANDARDS

Providing standards for park establishment has been the main administrative culprit for lack of progress of effective inner city reserve systems. For example, New Zealand local authorities use a minimum

standard of four hectares of park for every 1000 population. This recommendation of the Local Government Act, 1974, follows that of the National Recreation Association of the United States (Ministry of Works and Development, 1977). The standard is a very simple way for planners to measure existing open space resources and estimate future requirements (Ministry of Works and Development, 1977). However, its use causes a number of problems:

- it assumes a social need and physical uniformity that never exists in a city;
- such a standard is calculated on an area under the control of one authority and therefore ignores adjacent municipalities;
- it does not take into account changes in demand that occur with time, e.g. changes in taste, age structure and socio-economic characteristics;
- the emphasis is on area and not the quality or character of the environment. Often reserve land is not particularly good for anything else; and
- the figure of 4 ha/1000 has no real significance. There is no evidence to prove that a city functions better with 4 ha/1000 or 10 ha/1000 (Ministry of Works and Development, 1977).

An analysis of the ratio of park area to population for central Christchurch (as bounded by the belts) highlights these problems. Central Christchurch has a residential population of 10,000 giving a ratio of 19.9 ha/1000 population (Christchurch City Council, 1973). This figure is well above the minimum of the 4 ha/1000 recommendation in the District Scheme. However, 50,000 workers pour into the Christchurch Central Commercial District every day reducing the ratio to 3.3 ha/1000. Hagley Park is too far away for the practical experience of most workers, and its removal reduces the standard to 0.3 ha/1000 population. As well as the workers, large numbers of shoppers, local and international tourists (650,000 per year) come into the area every day. At night a completely new group of users 'invades' the city centre, while during the weekend it changes again. Obviously, the original figure of 19.9 hectares/1000 population bears little relation to the diversity of potential park users generated by a city like Christchurch.

## **2.3 FINANCE**

Lack of finance is a strong element contributing to the poor development of small parks in our cities. New Zealand cities have never enjoyed the level of financial assistance granted to North American cities for acquiring small downtown reserves. Severe financial constraints have resulted in local authorities accepting cash in lieu of the reserve contribution required from inner city developments.

## **2.4 INNER CITY DEVELOPMENT**

Traditionally, the direction and impetus for new development in Central Commercial Districts has been commercially oriented. The desire to revitalise the inner city core has lead to a greater emphasis on buildings rather than the spaces between them, e.g. the Cashel Street Mall in Christchurch was originally promoted by the business community as a means to increase revenue rather than as an amenity. Under the Public Works Act (1981) public reserves are not considered essential works and councils cannot compulsorily acquire land for reserve purposes. Instead they must rely only on the reserve contribution (refer 4.3.1) for land from new developments.

## **2.5 INNER CITY POPULATION**

New Zealand inner cities have, compared to overseas, a small number of permanent residents and it has been difficult to develop large urban support to force changes and maintain pressure for new reserves.

## **2.6 CONCLUSION**

The development of urban parks in New Zealand has been patchy. Problems with finance, administration and population structure hampered a more comprehensive approach such as that which occurred overseas. There are, however, new urban parks being established in New Zealand and chapter 5 looks closely at the processes which Christchurch City Council uses to establish new reserves.

## 3. *HISTORY*

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### 3.1 EARLY 19TH CENTURY AND THE BRITISH PARK MOVEMENT

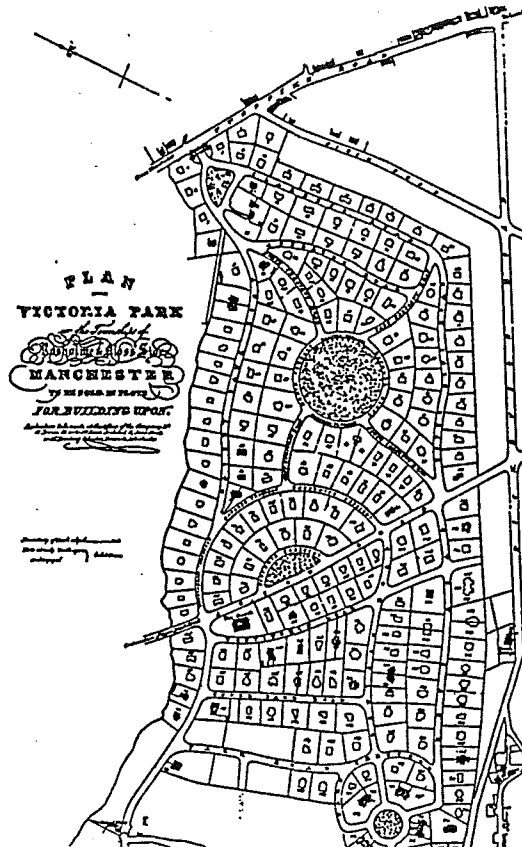
Providing open spaces for public use is not new. Town squares and commons are as old as the settlements themselves (Chadwick, 1966). In the eighteenth century land adjacent to houses of the more well-to-do and royalty, was enclosed and converted into parks. However, such parks were solely for the use of the house occupiers enclosed by them (and still are in some parts of England).

Despite this private development, some large parks were made available to the public well before the 19th century. In London, Hyde Park was opened to the public in 1635, and later, Greenpark and St. James Park (Chadwick, 1966). Much later, in 1838, Regents Park was made available for use by the poor. An improvement in the health of the people living in the vicinity of the Park was noticed (Bassett, 1985). About then city authorities started to allocate land specifically for public use. The first of these parks were Victoria Park in East London followed by Birkenhead Park in Liverpool (Fig.8).

During the 1820s and 30s British towns were relatively healthy places with falling death rates. They had a basic fabric containing many private gardens and open space for public use (Chadwick, 1966). However, industrialisation brought rapid uncontrolled town expansion. New building construction could not keep pace with housing demand, resulting in chronic overcrowding. Every available space was built on, and streets were often sunless or very narrow. Local authorities operated under outdated regulations and therefore could not ensure

that necessary services were incorporated into new developments. Consequently, new towns were built without drains, water supply or adequate sanitary systems. A Royal Commission set up in 1845 to look into the siting of large towns found only one in fifty with adequate drainage and one in six with a good water supply. The death rate was rising and one in every two children was expected to die before reaching the age of five. Cholera outbreaks between 1848-49 and 1853-54, claimed thousands of lives (Chadwick, 1966).

Figure 8. Victoria Park, Manchester 1837. Victorian city authorities allocated land specifically for public use. From Chadwick.



A growing body of opinion pressed for cleaner, healthier towns. The motive, however, was to produce a contented, more productive worker and therefore more goods and profits. Few in this group felt any moral obligation for the wretched inhabitants (Chadwick, 1966).

Eventually, the Victorian passion for reform was brought into play to improve the physical conditions and the spirit of the workers (Fig.9). This was not done by slowing the rampant industrial growth, which caused the problems, but by attempts to alleviate its symptoms. Park proponents argued that areas of green space could do much to solve the problems of city life where cleanliness, exercise and fresh air were needed. In Britain the 1840 Select Committee on Health of Towns

recommended the introduction of Building and Sewage Acts, the establishment of local Boards of Health, and provision of public parks. The Committee suggested that legislation should encourage the dedication of land for parks and when local subscription could not be raised the Government was responsible for providing for the health of the people. From the 1840s to 1900 the influence of the Select Committee findings and work done by people such as J.S. Buckingham and Joseph Hume in the House of Commons, led to many Acts of Parliament for the provision of sufficient open space in the new industrial towns for the purpose of exercise and recreation (Chadwick, 1966).



*Figure 9. Areas of green space could do much to solve the problems of city life where cleanliness, exercise and fresh air were needed. From Cranz.*

New Zealand was settled during the 19th century and the founders wanted to avoid a repetition of the squalor and overcrowding that they, and the new settlers, were to leave behind in the Northern Hemisphere. It was stipulated that streets be not less than a chain wide and large areas of open space were to be set aside for recreation and amenity. Parks were built to improve the cities. This open green space brought fresh air and sunlight right into the city centre, acting as a relief from what was seen to be the evils of urban growth.

### 3.2 NEW ZEALAND COLONISATION

The serious social and economic problems produced by industrialisation provided a strong incentive to emigrate, and fueled the zeal of social reformers and early park proponents. People fled from industrialisation, from poverty, and just as importantly, the fear of poverty. Generally, the prospective settlers were not the down-trodden. Only a quarter were illiterate, while another quarter were sufficiently wealthy to pay their own fare (Sinclair, 1959). People

coming to New Zealand came from the upper working class or the lower middle class (Sinclair, 1959) and had a great deal of ambition. They had a desire to 'get on' in a country where they could control their destiny, more so than in the tightly constrained, class conscious industrial society of Britain.

Figure 10. John Robert Godley 1814-1861, the heart and soul of the Canterbury settlement. From Fitzgerald.



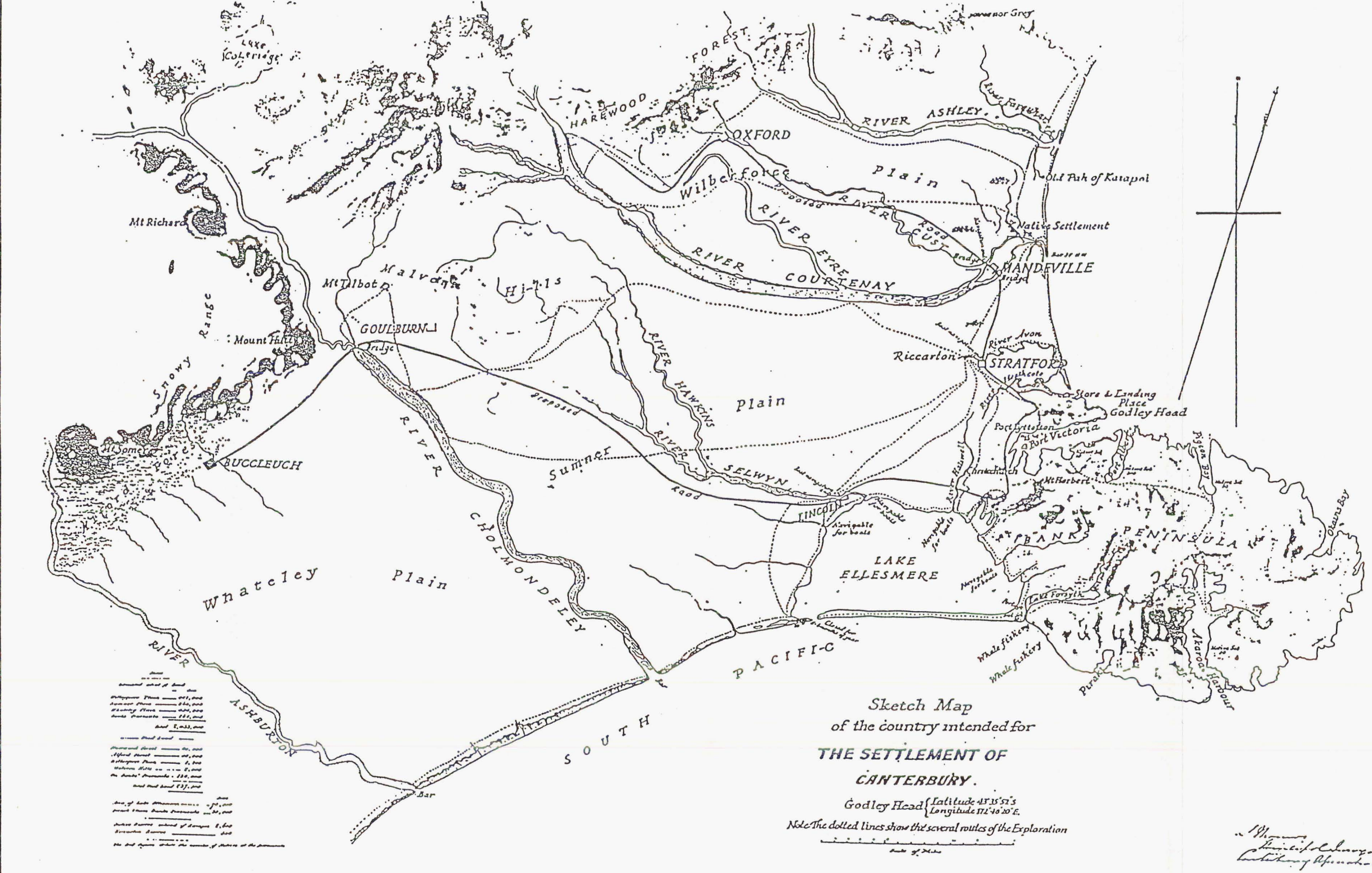
Those establishing the new colonies, such as Edward Gibbon Wakefield and John Robert Godley (Fig.10), had very clear ideas about the sort of society they were setting up in the new countries. The Canterbury Association planned to take 'a slice of English life - a kind of instant civilisation - into the colonial environment' (Wakefield, 1848). The Association's first publication 'A sketch of the plan which has been formed for the establishment of the Canterbury settlement and the views on which the plan is founded' - states as its objective 'to set an example of a colonial settlement in which, from the first all the elements, including the very highest, of a good and right state of society, shall find their proper place and their active operation' (Wakefield, 1848). The pamphlet goes on to describe how 'each additional child would be an additional blessing instead of as now an additional burden, where want to be unknown and the new country would be without pauperism, without the struggle of classes which wear out body and soul in our crowded and feverish Europe' (Wakefield, 1848).

### 3.3 THE SITE OF CHRISTCHURCH

The view from the hills separating the port of Lyttelton and the Canterbury Plains was of a vast unbroken treeless plain spreading westwards to a long blue line of snowcapped mountains. Within this vast area were two isolated patches of bush; one at Riccarton and the



Figure 13. Map of the site for the Canterbury settlement, based on Captain Thomas's original survey, 1849. Courtesy of Alexander Turnbull Library.





other at Papanui. Each contained predominantly tall stands of Kahikatea (Dacrycarpus dacrydioides) situated in the heavier swamp-like land.

Mostly, the Plains were covered in tussock (Poa spp.) with patches of matagouri (Discaria toumatou), New Zealand broom (Carmichaelia spp.) and the cabbage tree (Cordyline australis).

At the foot of the Port Hills two streams wound a tortuous path through patches of raupo (Typha muelleri) swamp, flax (Phormium tenax) and toe-toe (Cortaderia richardii) interspersed with many types of fern and tussock. To the east a broad band of sand hills separated the sea from marshlands.

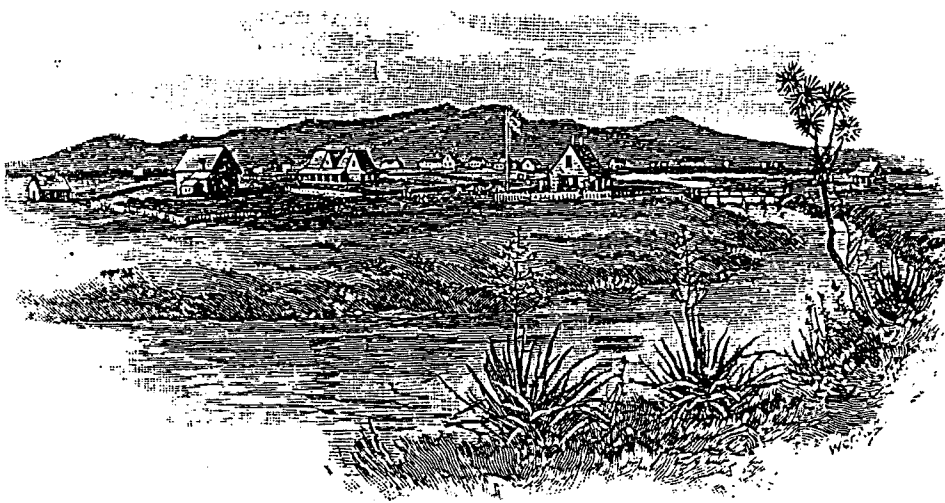


Figure 11.  
Christchurch 1852,  
R. to L. Worcester  
St. Bridge, Land  
Office, Brittan's  
house, Barker's  
house and Ridley Sq.  
(Cathedral Sq.).  
Courtesy of  
Canterbury Museum.

Early accounts of the landscape expressed awe, at the immense flat plain stretching to the distant snow covered alps, and delight, at the yellow and brown of the tussocks interspersed with broad sparkling braided rivers. Yet the suitability of this area as a site of a new town was never expressed in such eloquent terms. It was chosen only after the realisation that the original choice, Teddington (at the end of Port Cooper, Lyttelton), was far too small for a large settlement, that there was no finance to fill in the tidal flats, and there were difficulties with the French and Maori claims on the Akaroa side of the harbour.

### 3.4 THE EUROPEAN SETTLEMENT OF CANTERBURY

It was suggested that as early as 1843 Edward Gibbon Wakefield had considered a settlement in the Middle Island (Marais, 1927). Certainly, by 1844, there were plans for two settlements, one in connection with the Free Church of Scotland and the other with the Church of England (Eatwell, 1968).

Certainly, by 1844, there were plans for two settlements, one in connection with the Free Church of Scotland and the other with the Church of England (Eatwell, 1968).

Wakefield and John Godley met in 1847 and formed the essential features of the Church of England plan (Eatwell, 1968). By 1848 Godley had persuaded a sufficient number of prominent men (refer appendix A) to support the project. In that year the Canterbury Association was formed and given the option of purchase of 1,000,000 acres of land from the New Zealand Company. The New Zealand Company, in 1847, had been granted a loan of 236,000 pounds from the Government, part of which was to assist funding the Church of England settlement (Lyttelton Times, July 15, 1854). In 1848 the New Zealand Company advanced 25,000 pounds to the Association, 23,964 pounds of which was to be used to survey the new settlement.

A subcommittee, comprised of Godley, Halswell, Hutt and Edward Jerningham Wakefield, had by then prepared instructions for the selection and setting out of the site, the principal requirements of which were:

- the need for a good harbour;
- a continuous block of 1,000,000 acres, far removed from natives and other settlements (Eatwell, 1968); and
- the capital called Christchurch (Fig.11), was to be a block 1,000 acres where *'The lines in the principal streets, squares, the sites of all public buildings, parks required for the convenience of the future inhabitants to be marked out'* (Wakefield, 1848; Plan of the Association for founding the settlement of Canterbury in New Zealand).

Captain Joseph Thomas (Fig.12) who had recently returned from New Zealand was appointed Chief Surveyor by the Association in 1848 (Wakefield, 1848). He sailed for New Zealand with the instructions prepared by Godley's subcommittee and the limited funds of 23,964 pounds advanced by the New Zealand Company. Initially, Thomas and his surveyors explored and mapped the Canterbury region (Fig.13). It was Edward Jollie arriving from Nelson in 1849 who was given the job of laying out Lyttelton, Sumner and Christchurch. By January 1850 Jollie had begun his survey of Christchurch. Thomas's instructions to Jollie were to set out one thousand acres for the city centre and a thousand acres of suburban land adjoining it. The line of principal streets and squares was to be marked out with ample reserves made for all public purposes (Morrison, 1948).



*Figure 12. Captain Thomas (white hat facing) and survey party on the Port Cooper plains, 1848. Courtesy of Alexander Turnbull Library.*

Jollie's plan of Christchurch (Fig. 14) was ready for Thomas by March 1850. As instructed there were numerous reserves, some of which were quite large. There were several streets, two chain wide, which Jollie intended to be planted with trees. Unfortunately, these, along with some crescents were removed by Thomas before the final plan was adopted (Jollie, 1865). The layout was very regular with a rectangular shape (the diagonal streets of High and Victoria Streets were added later to accommodate traffic arriving from the Heathcote ferry and Papanui Bush). Variety in the layout was given by the sinuous course of the Avon and the four city reserves - Market Place (Victoria Square), Cranmer Square, Latimer Square and Ridley Square (Cathedral Square). Boundaries for the residential city were set by town belts two chain wide. These are now named Fitzgerald (east town belt), Moorhouse (south town belt), Rolleston (west town belt) and Bealey (north town belt) Avenues.

At the request of the Deans brothers who were farming at Riccarton Bush, a large reserve of nearly 500 acres (Hagley Park) was placed between their farm and the town (Bruce, 1932). This reserve extended from the north to south belts on the west boundary.

Jollie's map shows an area called Town Reserves extending from Barbadoes, St Asaph, Antigua and Salisbury Streets to the town belts. The intention was that these areas were to be temporarily withheld from sale for two important reasons; firstly, as a device to achieve concentration of settlement. As noted in a letter to the Secretary

Canterbury Association by Godley *'The tract marked Town Reserves and included in the schedule is not reserved but will be sold off as town land when the sections already allowed for are disposed of'* cited in Hight and Straubel, 1957. Secondly, the retention of Town Reserves from sale was a means by which a *'fixed and sufficient price'* (an important tenet in planned settlements) could be maintained on the first allotments put up for purchase in the town centre. As Godley notes later, in a further letter to the Association, the town reserve land must be sold at the 'up set' price (lowest acceptable) of three pounds an acre, the same price that was set for the original allotments (Fitzgerald, 1863).

The central city open space network remained unchanged for 130 years. From the time the original layout was devised by Jollie in 1850 no new parks or reserves were added to the inner city landscape until 1978.

### 3.5 THE SOURCE OF PLANNING INSTRUCTIONS

Godley and Thomas are two who stand out as the true architects of the overall layout of the city of Christchurch. Eatwell (1968) describes Godley as the 'heart and soul of the Canterbury scheme while Thomas was the hands and feet'.

Godley was born in Dublin in 1814. His education culminated at Oxford where, in 1832, he entered the College of Christchurch. In 1840 he studied the social conditions and problems in Ireland. He toured North America in 1842 for similar purposes, leading to the publication of his book *'Letters from America'*. (Knox, 1971). Godley studied closely the introduction of self government to Canada and joined others in pressing the British government to plan for the systematic colonisation of Canada by Irishmen (Knox, 1971). When Edward Gibbon Wakefield approached Godley in 1847 to form a society to establish a new colony in New Zealand it was because Godley was, by then, one of the best informed people in Britain on colonial matters (Knox, 1971).

Captain Thomas, like Godley, travelled extensively between 1826-30 as Aide-de-Camp for Sir John Malcombe, the Governor of Bombay. After retiring from the Army in 1830, he travelled in both North and South America before purchasing land from the New Zealand Company at Wellington in 1840. After arriving in New Zealand, in 1841, he was employed as an Assistant Surveyor on the staff of Captain Mein Smith, the Surveyor General of the New Zealand Company. Between 1841 and 1847 Thomas worked on the Wanganui, Wellington and Otago surveys (where he made



B.M. 273

AREA	COLOR	GAZETTE & NUMBER
0.1.00	7.5.	Vested under the Queen's (Imperial) Act 1854
		Gaz. 1909 p. 108

Pc T.55 751 & 753 being all the land in CT.389/10  
(287p) Taken for Pub Buildings of Gen Govt  
Gaz 1954 p. 441.

(Roads closed, Diversion Roads Ordinance  
1860 p. 159)  
(Canterbury Prov Gazette 1860 p. 46)

For this portion

— see —  
— Sheet 1 —

Certified as a true copy of  
Black Map 273

2861

Chief Surveyor  
P. 1. 2. 4

Thomas Gips  
Chief Surveyor

CHRISTCHURCH

March 1850

Surveyed by E. Jollie and Survey

Scale 4 Chains to an Inch

TOWN RESERVE

24

C  
20

BOTANICAL  
GARDEN

N 22

24

24

Reserves

- A Reservoir and School
- B Church of England
- C Church of England Cemetery
- D Hospital
- E Association Store
- F Immigration Barracks
- G Survey Office
- H Mechanics Institute
- I Exchange
- J Town Hall
- K Police Court
- L Post Office
- M Jail
- N Cattle Market
- O Abattoir
- P Observatory

Figure 14. ChCh as  
laid out by Edward  
Jollie,  
1850.  
Courtesy  
of  
Canterbury Museum.



acquaintance with another surveyor - Edward Jollie), before returning to England in 1847 (Eatwell, 1968). Thomas's experience in New Zealand made him an obvious choice as chief surveyor for the proposed settlement in Canterbury. After a preliminary interview with Felix Wakefield he was asked by the Canterbury Association to draw up estimates of the survey costs.

Both Godley and Thomas had opportunities to see the effects of planning on early American towns. A predominant feature of those towns was the use of a grid system (Fig. 15) where a strong geometric pattern simplified street layout allowing attention to be focused on other elements such as parks, in the town or city (Sutcliffe, 1981).

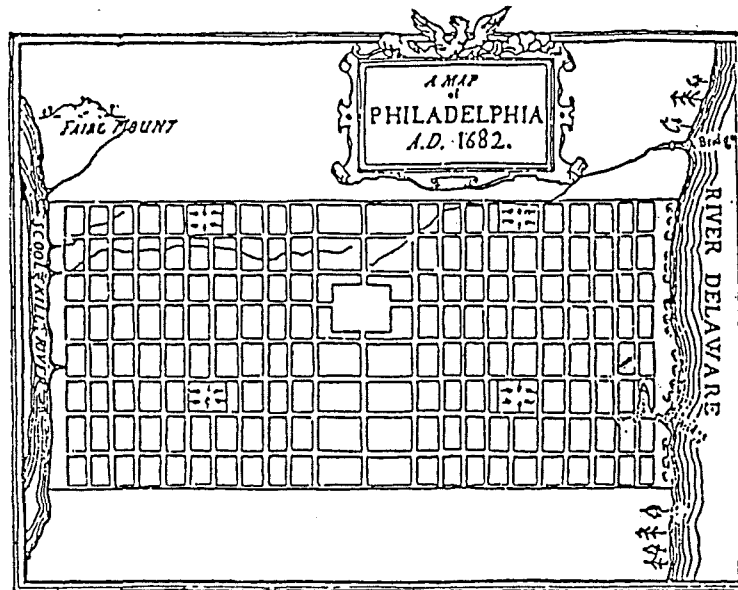


Figure 15. A predominant feature of early American towns was the use of a grid system in a simplified street layout. From Sutcliffe.

Godley had already shown himself to be a strong proponent of colonisation as a means of taking pressure off the over-crowded poor in industrialised areas of Britain. He saw a need to assist immigrants with their passages to the new colonies (Knox, 1971). He believed that in a new country all men would have time to spend on activities other than work, such as 'objects of character, the glories of nature and treasures of art' (Fitzgerald, 1863).

Thomas had previously experienced the aspirations and ambitions of establishing a new settlement as this was his initial reason for travelling to Wellington in 1840. The town plans for Wellington, Wanganui and Dunedin, which Thomas helped to survey, probably influenced his thoughts concerning town layout. Certainly there are similarities between Christchurch and the three earlier schemes (Fig. 16).

Thomas must also have been influenced by the subcommittee of the Canterbury Association that was responsible for drawing up the planning instructions he brought with him for the Christchurch settlement. This subcommittee was evidently aware of work done by social reformers to improve access to open space. Their belief was that parks could exert a civilising influence on the working class.

Edward Gibbon Wakefield, a man with very precise ideas on colonisation, was a close friend to Godley (The Press, June 1862). It is likely that they discussed the layout of the Christchurch capital while formulating the overall framework for the Canterbury scheme in 1847.

It appears that Felix Wakefield, brother of Edward Gibbon Wakefield, had an important part in drawing up the instructions issued to Thomas by the subcommittee (Eatwell, 1968). In a letter to the Lyttelton Times on July 22 1854, Felix Wakefield states that *'I formed the plan of the survey and drew the instructions for Mr Thomas to carry it out'*. However, this should be treated with caution as the intent of the letter was to drum up support for his plan to build a port at Ferrymead and so was being rather generous in appraising his past activities.

In summary, it is evident that the sources of planning instructions were diverse but the fine detail must be attributed to Thomas and Godley as they were involved intensely with all aspects of the Christchurch settlements. Both had acquired skills and personal ideals that could be expressed in the plan for Christchurch.

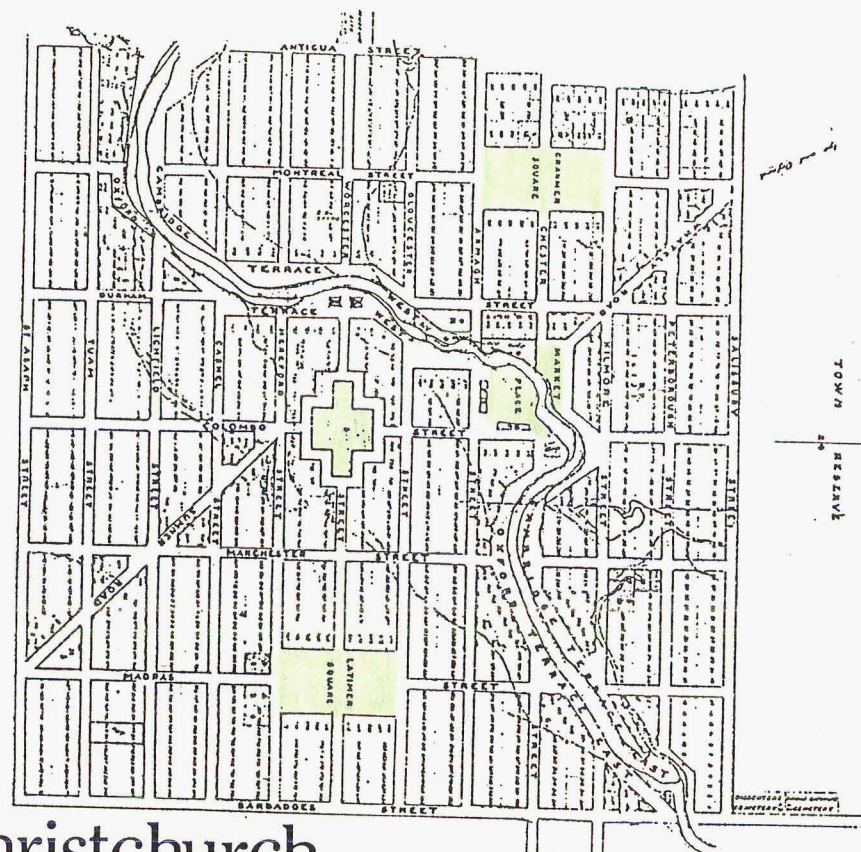
### 3.6 AN EARLY DESCRIPTION OF INNER CITY RESERVES

Because of an obvious lack of funds during the first 10 years of the Canterbury settlement, the squares (Victoria, Latimer, Cranmer, and Cathedral), Hagley Reserve and the town belts received no attention from the provincial authorities. However, from 1862 onwards, the development of these areas progressed as the Municipal Council established ownership (refer appendix B) and built up funds for public works.

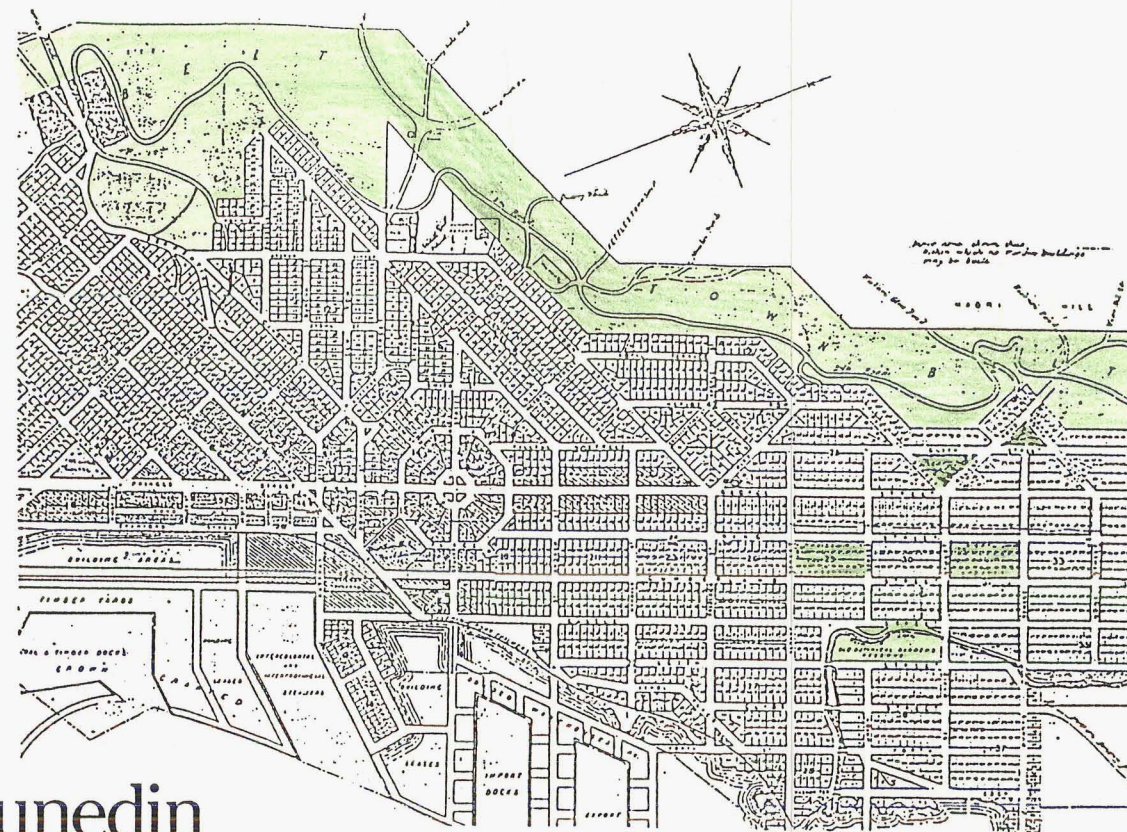
#### 3.6.1 Market Place (Market Square, Victoria Square)

By 1851 Ferry Road was an important traffic link from the Heathcote ferry to the town centre. The metal used for its formation was excavated from the area which was to become Market Place. The result was a large water filled hole of considerable danger to pedestrians *'wending their way homewards in the wee sma oors ayant the twal'*

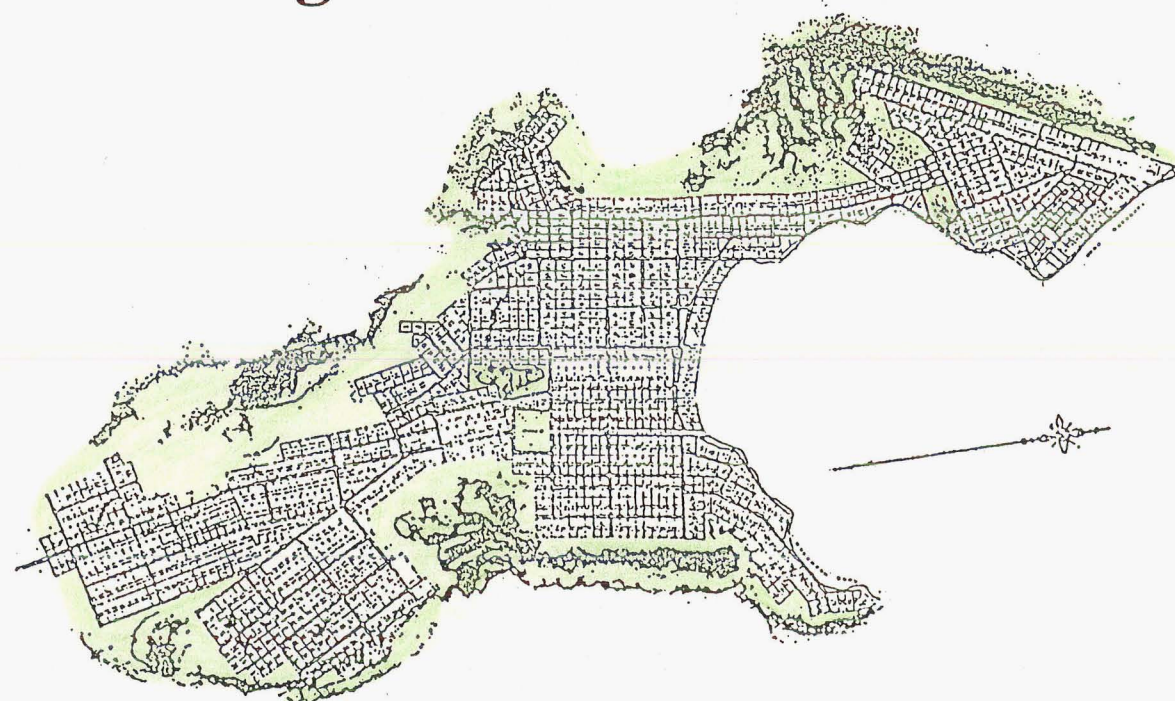




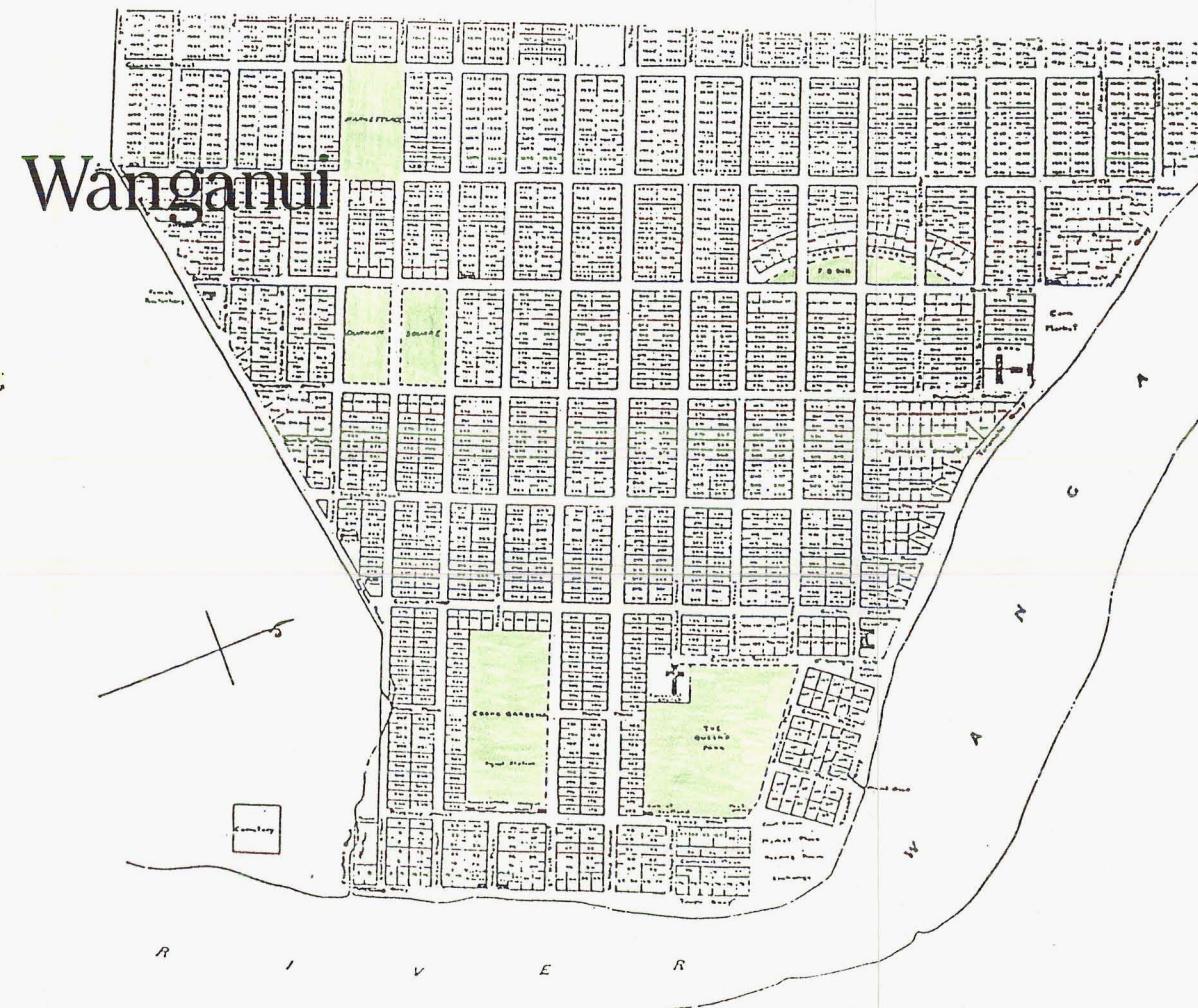
Christchurch



Dunedin



Wellington



Wanganui

Figure 16. A comparison of the Wanganui, Wellington, Otago and Christchurch town layouts. North runs from left to right across page, reserves indicated in green. Courtesy of Canterbury Museum, Sir Douglas Maclean's Collection, Hocken Library and Hawera Star Publishing Company Ltd.



(Bruce, 1932). The Colonist's Society applied to Mr Godley to have the hole filled and the the future Market Place restored to its original elevation.



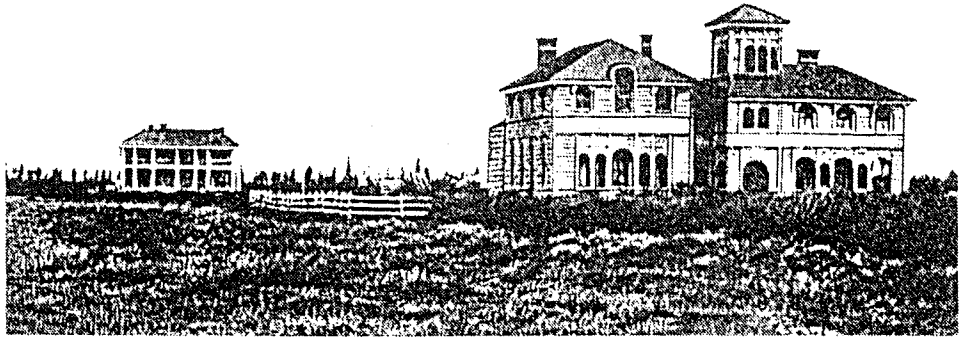
*Figure 17. North east across Market Sq. (Victoria Sq.) from Provincial Government buildings. Courtesy of Canterbury Museum.*

In its first decade, Market Place served as a trading point for the exchange of food by the Maori for European goods. Then it became the site for a general produce market which was held every Saturday (Fig.17). In 1858 it became the site of the police station and lock-up and in 1862, contained the first post office. The importance of Market Place as a commercial centre declined when the Post Office was removed to its present site. Eventually, the area was cleared and developed as a park for Queen Victoria's Diamond Jubilee in 1896.

### 3.6.2 Latimer Square

Latimer Square remained vacant and undeveloped for a number of years even though the residences facing it were some of the earliest built in Christchurch and occupied by the more distinguished early settlers. The early retailer, John Ballantyne, occupied a house on the west side along with the Christchurch Club (Fig.18). The whole eastern block was the home of Hon. John Hall, an early New Zealand parliamentarian and first chairman of the Municipal Council of Christchurch.

Figure 18. ChCh Club, 1862 on eastern boundry of Latimer Sq. with Collins Hotel (Occidental) in background. Courtesy of Canterbury Museum.



The Albion Cricket Club, one of the two cricket clubs in Christchurch, used this reserve as club grounds from 1858. In 1862, when the Municipal Council was founded, the Albion Club, with council permission, ploughed up the entire square and laid it down in English grass at its own expense. It is interesting to note that there was a great deal of agitation amongst the cricketers at the continual disturbance of games caused by horsemen galloping across the pitch to reach the other end of Worcester Street, which at that time was bisected by Latimer Square. Moveable fences were used to surround the pitch to prevent disturbance to the game. By 1867 athletic and football clubs were using the square, resulting in increased pressure to make it a public recreation ground. To this effect, the council fenced (half the cost being met by the Clubs) and planted Plane trees (*Platanus x hispanica*) around the margin, in 1868 (Fig.19).

Latimer Square was then used for Anniversary Day celebrations where settlers observed the holiday by abandoning themselves to social merriment. Many activities were held to entertain and excite the crowds. Long distance running races, sprint races, wrestling and a bicycle race on velocipedes (bone shakers) were some of the more popular sporting features. There were also side shows and events such as climbing a greasy pole and catch the pig with the greasy tail, events which gave cause for great merriment (Bruce, 1932).

*Figure 19. Housing of the well-to-do soon established around the city squares (Latimer?), 1880. Courtesy of Canterbury Museum.*



Latimer Square also was the site of Christchurch's first band rotunda. This was later moved to Victoria Square and still later, a new one built down stream on the present site.

At the end of the century the square was divided by Worcester Street and as the city moved beyond the belt boundaries, sporting activities moved out to the newly established suburban parks.

*Figure 20. Prestigious housing, west side Cranmer Square, 1880. Courtesy of Canterbury Museum.*



### 3.6.3 Cranmer Square

Like Latimer Square, during the early years of settlement, Cranmer Square encompassed residential sites of the well-to-do (Fig.20).

In 1863 the Christchurch Football Club was given permission to use the Square despite the ground being very uneven and tethered cattle making play exceedingly hazardous at times. It remained in this state until 1868, when the headmaster of the Wesleyan Boys School offered to level and regrass the Square. The Council graciously gave permission but only on the understanding that the school was not to have exclusive use of the land (Lamb, 1963).

*Figure 21. West across Cranmer Sq. and Hagley Park with Riccarton Bush in the distance, 1860. Courtesy of Canterbury Museum.*



That year the council also set up a planting committee to look at the cost of fencing and planting both Cranmer and Latimer Squares so they could be used as recreation grounds (Lamb, 1963). Fortunately, Cranmer Square (Fig.21) didn't suffer Latimer Square's ignominy of being cut in two. Unlike Latimer Square it retains a spatial quality which gives it a special place among Christchurch City reserves.

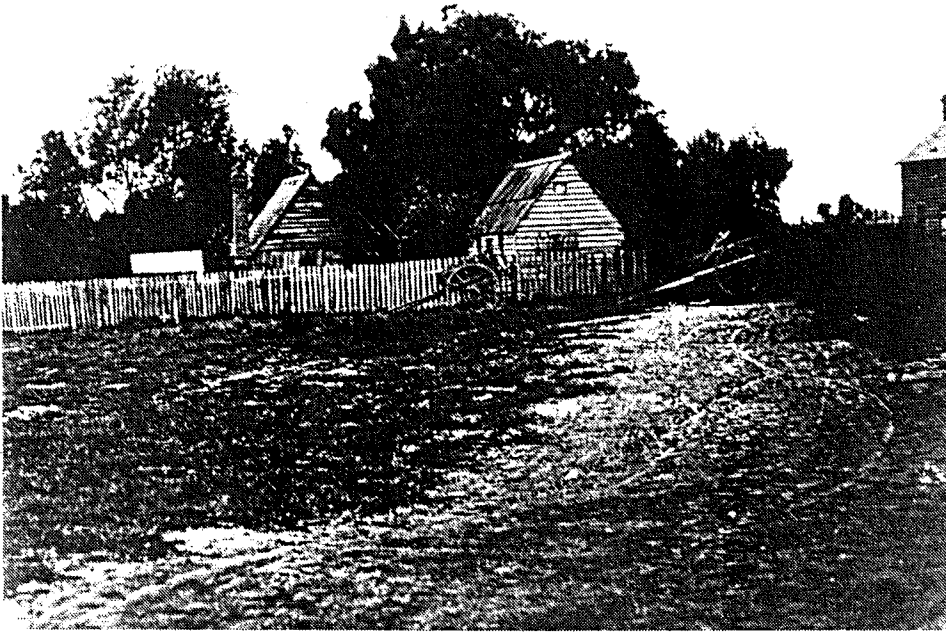


Figure 22.  
Aboriginal (sic)  
buildings Cathedral  
Sq., 1862. Courtesy  
of Canterbury  
Museum.

### 3.6.4 Cathedral Square

Cathedral Square (Fig.22) (originally called Ridley Square) was a cross-shaped reserve. Because of its central location it soon had a series of rough tracks crossing it. As late as 1862 the area was a source of shingle used to surface Christchurch streets. Building started on the Cathedral in 1864 and was finally finished and the Cathedral consecrated by a service in 1881. In 1875 the ground was eventually levelled and the eucalyptus (Eucalyptus spp.) and poplar trees (Populus spp.) growing there (Fig.23) were removed and replaced with lawn (Scotter, 1965). When the Post Office location was moved from Victoria Square to Cathedral Square in the 1880s, it became a focal point for trade and the development of new businesses and a transport network in the new settlement, a feature it has retained to the present day.

Figure 23. North west across Cathedral Sq. early 1870s. Courtesy of Canterbury Museum.



### 3.6.5 Hagley Park

Hagley Park was the largest of Christchurch's original reserves. Like the city squares it received very little official attention until the Municipal Council took control in 1862. Apparently, there was a problem with settlers squatting in the reserves. A letter in 1851 from Mr N.G. Britton of the Land Office to a Mr Theodore Williams reads: 'Sir, I have delayed replying to your letter of 25th until I could consult Mr Godley on the subject of your application:- I have now to inform you that he cannot entertain your application to continue as a tenant under the association in houses which you have been occupying on Hagley Park Reserve; the object being either to clear the reserve entirely or to have such buildings for temporary barrack accommodation during the next few months when a large number of ships are expected to arrive with immigrants' (Land Office letter book, Canterbury Museum).

Figure 24. Hagley Park used as pasture, 1905. Courtesy of Canterbury Museum.



Hagley Park was also a source of shingle as were Victoria and Cathedral Squares, but the absence of access other than a foot bridge across the Avon River prevented large scale extraction.

As indicated in the letter to Mr Williams the park was used to accommodate new settlers until they could build on their own land. Regulations existed at a very early stage allowing the area to be grazed by livestock (Fig.24). Apart from this, Hagley Park was used by the Christchurch Cricket Club, one of the two cricket clubs that existed in the settlement in 1858, and as a venue for early horse racing.

By 1860 Christchurch had a provincial garden and planting of trees in Hagley Park began with earnest; 21 acres had been covered in forest trees by 1863 and plans for another 20 acres were prepared.



*Figure 25. Fitzgerald Av. after original avenue of trees were replaced with central median of trees, 1867. Courtesy of Canterbury Museum.*

### 3.6.6 Town Belts

Although receiving little or no attention for the first ten years of settlement, the two chain wide town belts had been always expected to play a major role in the enhancement and beautification of the city (Lamb, 1963). In 1862, after a small planting programme on the Avon River, the Council turned its attention to the town belts. John Hall, the Chairman of the new Provincial Council, considered the belts should contain a splendid drive lined by avenues of trees (Lamb, 1963). When planting commenced in 1863, lines of trees were planted on both sides of the road creating an avenue down the centre. At that time stock roamed the town belts without restraint and so, to

protect the trees, fencing was erected. This gave a continuous barrier from one road junction to the next, an inconvenience to residents living along the belts who were prevented from getting direct access into their homes. Planting continued until 1867 when it was decided to plant new trees in a central median to make a dual carrageway on either side, the format that persists today (Fig.25). This reduced the value of the belt as a pedestrian way and was probably the first major compromise made by Christchurch City to road traffic.

*Figure 26. First four men employed by Parks and Reserves Department, ChCh City Council working on river embankment, 1902. Courtesy of Canterbury Museum.*



### 3.7 CONCLUSION

The reserves remained undeveloped during the initial years of the new settlement because administrators considered the main reserve value was a source of roading shingle. Severe financial restraints prevented any serious management by the municipality (Fig.26). This does not mean the general population at the time did not see reserve potential. They quickly became centres for community activity, particularly sporting and celebration events, and some of the squares proved popular with the well-to-do, soon to be surrounded with prestige housing.



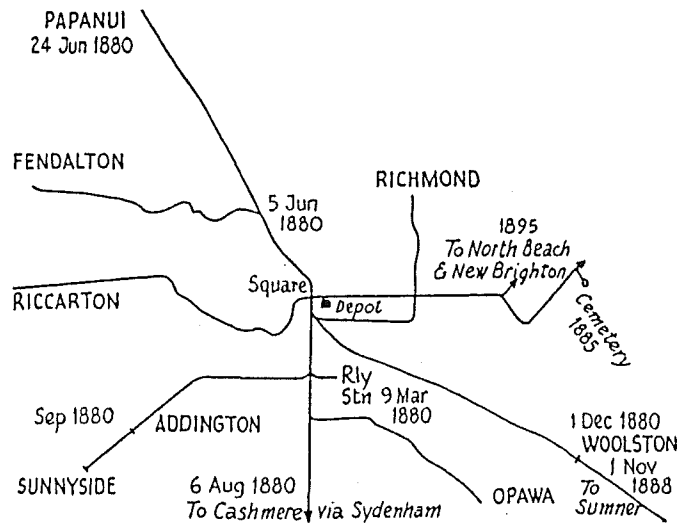


Figure 27. ChCh pre-electric tram line, steam from 1880, horse from 1887 and electrified in 1905. From Yonge.

From the 1870s to the turn of the century, when development of a tram system led the city to spread into the outer suburbs (Fig.27), areas such as Sydenham and Woolston were well supplied with recreational and community spaces. The inner city reserves lost the wide variety of activities that were common there in the early years of Christchurch's settlement as people took advantage of the new suburban reserves.

With the development of the municipality control and management by the council, the reserves soon took on a form that remained unchanged until the late 1970s. Not until 1978 with the establishment of Friendship Corner was there any significant new contribution to inner city reserves, and a new appraisal of the inner city reserves started to emerge.

## 4. *LEGISLATION*

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There are three main Acts of Parliament which deal closely with the establishment and management of inner city reserves. Although two were enacted in the same parliamentary session, little effort was made to co-ordinate the law maker's efforts until after they were passed. The statutes are complex and became more so, as they were subsequently amended. The following concentrates on those parts relevant to this study.

### 4.1 RESERVES ACT 1977

A 'Reserve' or 'Public Reserve' is described under the Reserves Act 1977 *'as land set apart for any public purpose'*. That purpose is to ensure areas, of New Zealand that have recreational use or potential for recreation, are preserved and managed in a way benefitting all New Zealanders. Reserves are seen as representing all natural ecosystems and landscapes which give New Zealand its individual character. A reserve may also be a means by which access to public areas is maintained.

The Reserves Act outlines how reserves are created. Its subsequent 1979 amendments provide the philosophy and necessary authority to maintain the classified purpose of the reserve and uses three main devices to exercise control over them: land classification, management plans and leasing controls. Finally, the Act establishes ultimate authority over reserves.

#### 4.1.1 Reserve creation

The majority of reserves are 'created' in four ways:

- during subdivision of private land, areas are designated as, and are shown, as reserves on the survey plan;
- crown land set apart for a specific purpose by notice in the New Zealand Gazette;
- areas purchased or gifted to local authorities; and
- areas purchased or gifted to the crown as reserves.

#### 4.1.2 Classes of reserves

The Reserves Act provides for seven distinct classifications. Each classification decides the way a reserve is managed. The classifications are:

- (a) Scenic
- (b) Historic
- (c) Recreation
- (d) Scientific
- (e) Nature
- (f) Government Purpose
- (g) Local Purpose.

Classification should reflect the purpose for which the reserve has been administered previously or be subject to the purpose for which the land was acquired. The classification must also conform with the operative District Scheme. The Reserves Act requires the Minister of Lands to give public notice of the intention to classify land as a reserve, giving the public the opportunity to object or comment on what is proposed.

#### 4.1.3 Reserve management

The administering body of every reserve is required to prepare a management plan for that reserve. Management plans are detailed documents which assist the administering body to manage individual reserves or groups of reserves according to their classification, and so should be based on sound land use planning. As with reserve classification, the public have an opportunity to contribute to reserve management. Any objection or comment must be heard by the administering body.

#### 4.1.4 Leasing

Leasing of reserved land enables a wider opportunity of land use than allowed by the Reserves Act alone. All leasing proposals must be examined thoroughly. They must conform with any existing management plan for the reserve and again there must be public notification.

#### 4.1.5 Authority

Under the Reserves Act the Minister of Lands has ultimate authority with final power of decision without appeal. Although urban land vested as a reserve under this Act is normally controlled by the Minister, in practice, it is usual that local authorities are granted administrative control. Therefore, the public reserve is the responsibility of local authorities in most New Zealand towns and cities.

### 4.2 TOWN AND COUNTRY PLANNING ACT 1977

The Town and Country Planning Act 1977 requires local authorities to manage or utilise land for the maximum benefit of the community. Councils must prepare and administer a plan, the District Scheme, that is designed to *'promote and safeguard the health, safety and convenience and the economic and general welfare of its inhabitants and the amenities of every part of the area'*.

The second schedule of the Act states that matters to be dealt with in the District Scheme are the provision for social and recreational opportunities and for those qualities and conditions in an area which contribute to the pleasantness and coherence of the environment appropriate to the needs of the present and future inhabitants.

Under this Act the ultimate authority is the Planning Tribunal or, in regard to matters of law, the Court. The Act embodies similar but more extensive rights to public objection than the Reserves Act.

In general the District and Regional Planning Schemes express policies concerning the provision of reserves and how they might form a cohesive reserve system. Such schemes may also lay down how different uses of reserves relate to one another.

#### 4.2.1 The Christchurch City District Scheme

The City of Christchurch District Planning Scheme includes a statement concerning the provision of open space. This statement defines the function of open space in the city as providing for 'active' and 'passive' activities and an amenity function by adding pleasantness to urban surroundings by creating visual relief. ('Open space' is defined as public reserve set aside for scenic, recreational, conservation or amenity purposes. 'Amenities' are those qualities and conditions in a neighbourhood which contribute to the pleasantries, harmony and coherence of the environment.)

The Scheme goes on to define open space areas according to the size of area they serve. They are:

- (a) local or community parks
- (b) district parks
- (c) metropolitan or regional parks.

Parks are then grouped into one of three recreational zones according to their function, location, size and character, e.g. Recreational Zone One makes provision for local parks and amenity areas designed mainly for passive space.

The Scheme statement outlines broad objectives to which the Council should aspire:

- to maintain and improve the distribution and standard of open space and recreation areas;
- to ensure the best design and use of reserves and their relationships with adjoining land users;
- to ensure balanced development of public reserves for active and passive recreation;
- to ensure that areas of special ecological, geological or scenic interest have special protection; and
- to encourage the retention of certain private recreation and open space areas which have a special value to the community as a whole.

The statement also lays out more specific policies and standards, e.g. in the Distribution Policy there is a specific statement *'To provide where*

*necessary additional areas of open space and amenity within the city centre*' (Christchurch City Council, 1986a).

### 4.3 LOCAL GOVERNMENT ACT, 1974

#### 4.3.1 Reserve Contribution

Under the 1979 amendment to this Act a local authority can require a reserve contribution from residential, commercial or industrial developments. Payments may be made in the form of land or cash in lieu of land contribution.

#### 4.3.2 Access and Preservation

This Act guarantees the public access to the sea, lake, river or stream. Also, there are allowances for the preservation of trees, wildlife habitat and buildings of historic interest.

#### 4.3.3 Bylaws

The final control and management of reserves is brought about under the Local Government Act as it enables a city council to pass city bylaws concerning the day to day running of reserves.

### 4.4 CONCLUSION

Both the Reserves Act 1977 and the Town and Country Planning Act 1977 deal with the planning and management of reserves, while the Local Government Act 1974 deals with policy and to a lesser extent with planning.

Each statute, in one way or another, seeks to create a comprehensive system whereby land is managed for the maximum benefit of the community. None is necessarily exclusive of the other and there are areas of overlap especially in regard to the establishment and the use of reserves.

In general the Town and Country Planning Act, through the regional and district schemes, spells out proposals for the provision and administration of reserves. It defines their purpose and relationship to the surrounding district. In contrast the management plan, required under the provisions of the Reserves Act, details the use of a reserve and its management.

I believe the present legislation is adequate. But, there are discrepancies, e.g. reserves are not considered essential works and reserve land cannot be compulsorily acquired. Not all inner city developments are required to make a reserve contribution, e.g. public works and hotels. These problems can be rectified within the framework of the present legislation.

At local authority level the management and legislation for regional, district and community parks is comprehensive but defining open space into three categories is too restrictive. There is greater variety of open space than the regulations allow for; a fourth classification the small urban park or pocket park, is needed.

## 5. *IMPLEMENTATION*

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Three levels of involvement in the establishment of urban reserves, that of the community, local government and central government involvement, are examined in this study. Local government involvement is the most important, as the local council is responsible for bringing together the broad policies and requirements of central government (chapter 4) and the specific, local concerns of neighbourhood groups, to a stage where proposals for park establishment can be implemented.

Within local government there is a three way flow of information and action. Although each group may not always operate on the same level, and at times diverge in their perception of priorities, it is from one or more of these groups that the idea for a new reserve begins.

The following sections outline Christchurch City Council Planning Department, Parks and Recreation Department and Community Service Group involvement in reserve creation. This includes a brief summary of the Housing Improvement Policy of the Housing Corporation and the recent development of the role of neighbourhood communities in reserve creation, followed by examples of three new inner city reserves in Christchurch.

### 5.1 CHRISTCHURCH CITY COUNCIL TOWN PLANNING DEPARTMENT

Town planning involvement in the establishment of inner city reserves comes from two important planning policies concerning the inner city environment:



- (a) Urban renewal policies
- (b) Public amenity proposals.

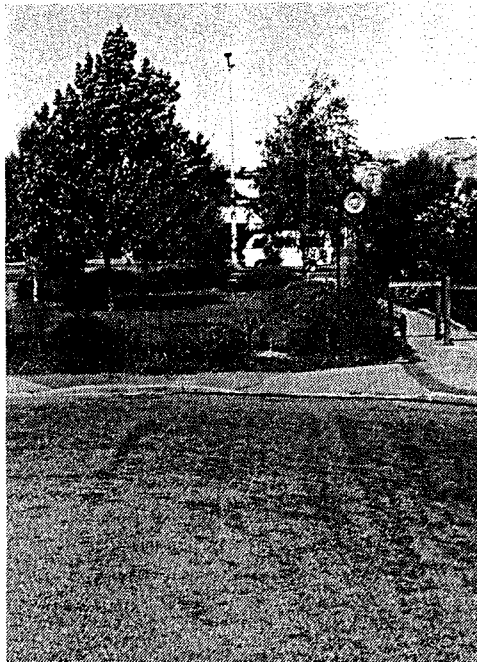
Further planning involvement is seen in the ongoing acquisition of land by the council.

### 5.1.1 Urban Renewal Policy

The Policy states that one of the objectives of urban renewal is to: *'Provide a high standard of environmental design by ensuring adequate open space, sunshine, privacy, landscaping and off-street parking'* (Christchurch City Council, 1986a).

To summarise, the Urban Renewal Policy lays down that when neighbourhood improvement areas are proposed, urban renewal teams are to pinpoint areas in need of attention, assess priorities, and, where no private investment is forthcoming, involve themselves in acquiring land for reserves. Public involvement is encouraged as it is recognised that the success of any project is dependent upon community support.

*Figure 28. New reserves created by street closure, Charles St ChCh.*



### 5.1.2 Public Amenity Proposals

A planning objective for the Central Commercial District as outlined by Planning Division policy is to: *'Improve the visual qualities of the Central Commercial District and provide more pedestrian facilities'* (Christchurch City Council, 1986a).

An early planning proposal for central Christchurch was to establish an 'amenity linkage' (Fig.5) by channelling contributions received from developments (refer 4.3.1) into new reserves, providing incentives to encourage developers to set back street frontages of new buildings and the creation of pedestrian malls. This action has, and will continue to, add to the open space in the city.

### 5.1.3 Aquisition of land

Acquisition of land by the Town Planning Department is an ongoing exercise where key locations are identified for potential purchase and bought when available.

The Council has a number of ways of acquiring land:

- reserve contribution (refer 4.3.1);
- direct purchases - using cash paid in lieu of reserve contribution, the Council buys land at market rates. It can also deal directly with Government departments that often own land intended for projects that never eventuate, or are revised, e.g. land bought for motorway expansion by the Ministry of Works and Development;
- road reserves - street closure or road deviation provides land that is already public reserve requiring only redesignation as recreational reserve (Fig.28);
- vestment - land that has been owned by the Crown but because of a long association with recreational use, may be vested to the council; and
- council owned - better utilisation of existing council land, where the original use is no longer essential or relevant, e.g. old cemeteries, nurseries and obsolete right of ways may be used as inner city reserves.

## 5.2 CHRISTCHURCH CITY COUNCIL PARKS AND RECREATION DEPARTMENT

The Parks and Recreation Department and the Planning Section at Christchurch City Council work closely together on urban renewal policies and public amenity proposals. The Department also works closely with neighbourhood groups which gives continual information feedback from the community.

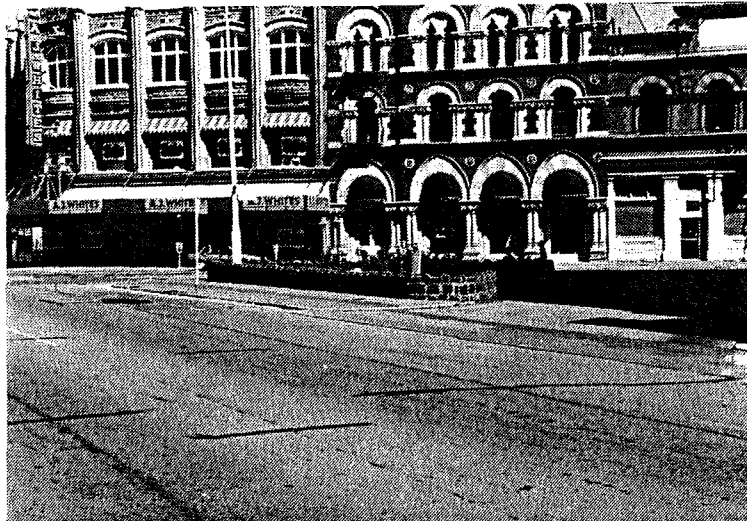
One of the distribution policies on recreation as laid down by the District Scheme is to: *'provide where necessary additional areas of open space and amenity within the city centre'* (Christchurch City Council, 1986a).

Reserves form part of the Parks and Recreation Department's broad approach to inner city amenities. The Department recognises the need for a network of open spaces, historic places, cultural and recreational centres with a balance between local, tourist and commercial needs.

### 5.2.1 Changing Uses

Existing reserves under Parks and Recreation management are to be put to better use. e.g. the triangle of reserves running down High Street is to be redesigned to suit a more contemporary use (Fig.29). The original function was primarily visual in providing opportunity to grow flower borders and roses. That function is still important but the triangles could also serve as areas for seating, better pedestrian circulation and for the separation of vehicle and foot traffic.

*Figure 29. The triangle reserves on High St ChCh, an opportunity for better utilisation of existing reserves.*



The Department recognises changing population structure in the inner city, e.g. parks that were originally used by children may now have a much older user group and has often meant a new layout for existing reserves. An example is Buchan Playground where existing facilities (Fig.30) were underutilised. In 1986 the Sydenham Neighbourhood Association proposed the playground be developed into an Ecological Park. The new development would be multipurpose with educational, amenity and public participation functions.

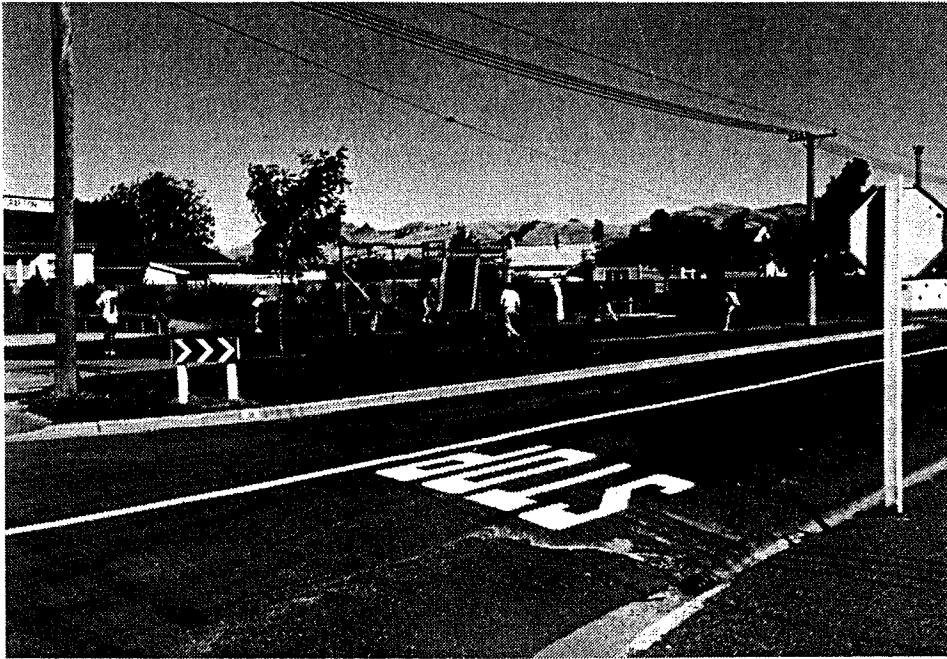


Figure 30. A changing population structure has often meant a new layout for existing reserves.

### 5.3 COMMUNITY SERVICE GROUPS

Christchurch City Council encourages the formation of neighbourhood committees which it sees as a way to: *'encourage public participation, foster community activity and provide a community voice'* (Christchurch City Council, 1986a).

Community service groups liaise between neighbourhood committees and City Council departments. The liaison officers in community service are familiar with Council bureaucracy and can direct neighbourhood committees to the appropriate Council body. They assist committees to establish proposals in a form presentable to the appropriate Council body and so establish good working relationships.

Neighbourhood committees, such as Avon Loop, have been successful in getting a new reserve partly because they prepared and presented proposals which established an effective base for further discussion with the Council (refer 5.5.1).

### 5.4 HOUSING CORPORATION COMMUNITY HOUSING IMPROVEMENT PROGRAMME

In July 1986 the Government released a new urban renewal package to replace the previous urban renewal scheme known as CHIPS (Community Housing Improvement Programme). This new programme contains a number of elements of which two are important

in reserve establishment. The role of urban renewal projects has been discussed previously (refer 5.1.1). The second relevant element to reserve establishment is the provision of Area Improvement Grants.

Area Improvement Grants of up to \$50,000 are available to city councils on a 1:3 ratio (Government to local authority). They are used to upgrade the environment in ways sympathetic to residential land uses, e.g. in street realignment and closure, landscaping, and provision of recreational facilities.

Under this new programme the Christchurch City Council has undertaken work to create a small local reserve in the Ely-Melrose Street area.

## 5.5 EXAMPLES OF THREE NEW INNER CITY RESERVES

Three new inner city reserves are described briefly from conception to implementation. Bangor Street Reserve is a small community-based project in an old inner city residential area and an example of a community reserve. Peter Scoular Park grew from an idea within the Christchurch City Council as part of the Council's overall objective for the Central Commercial District development and an example of a pocket reserve. Colombo Street bus-stop, although not within the town belt system, is an example of a reserve emerging from the redevelopment of an historically old commercial area.

### 5.5.1 Bangor Street Reserve

As part of the 1971 Council Urban Renewal Report the Avon Loop was identified as an area having urban renewal potential. The threat of increasing non-residential usage in the area, in particular, the enlargement of the Avon Motor Lodge, prompted the formation of the Avon Loop Protection Association in 1972. In 1975 the renamed Avon Loop Planning Association put forward eight development objectives for the area, one of which was to: *'provide a community centre and community open space'* (Barford, 1980).

The City Council considered all objectives and prepared a series of proposals for consideration by the Avon Loop Planning Association. One of these proposals was *'the use of the closed streets, possibly in conjunction with adjoining land, for open space and local recreational and community needs'* (Christchurch City Council, 1977a). Objections and recommendations were called for and heard. Relevant departments met and made recommendations to the Council and a decision was made to establish the Bangor Street Reserve in 1984.



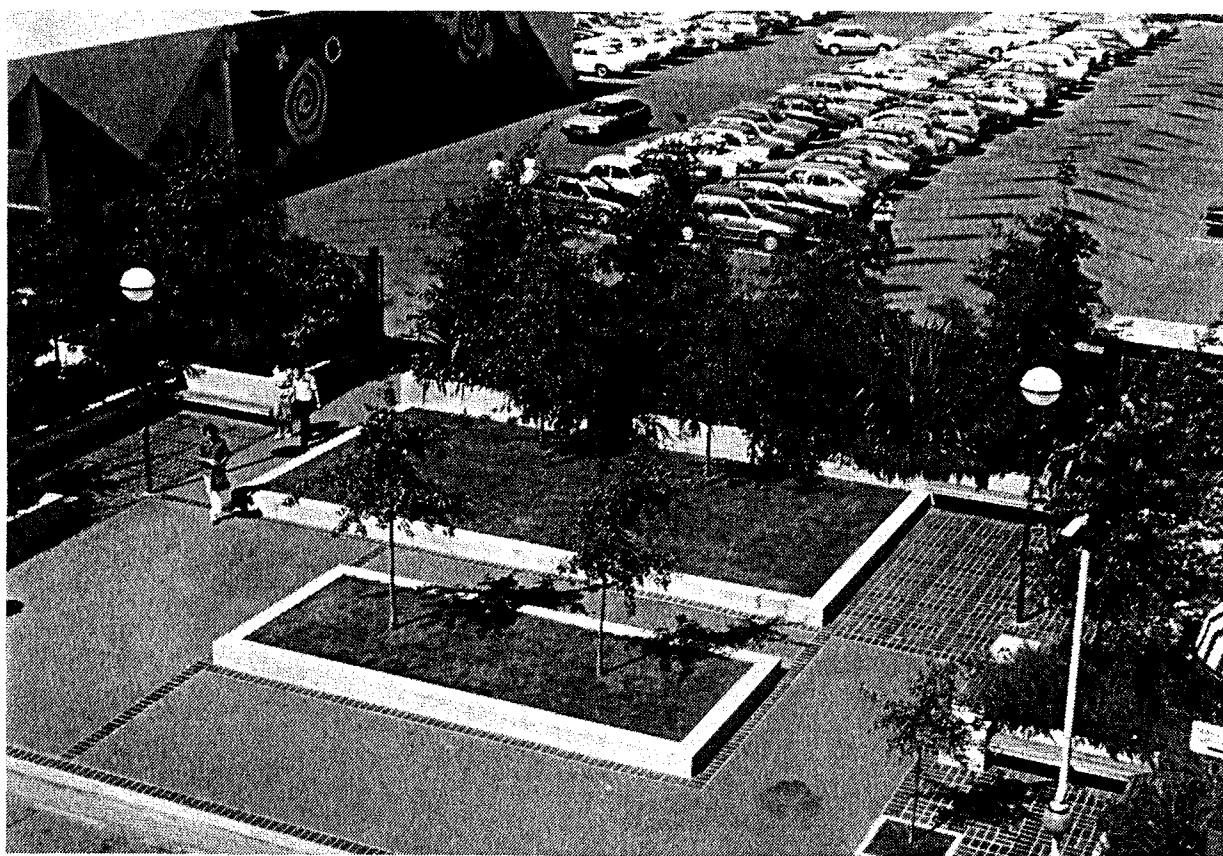
*Figure 31. Bangor Street Reserve, a new community reserve developing from a neighbourhood based project.*

The Reserve (Fig.31) was developed from three distinct parcels of land. The end of Hurley Street was closed and incorporated into the park. As part of its reserve contribution for new housing development, the Housing Corporation gave land immediately adjoining the new park and, in a trade-off proposal, the Council purchased a section owned by the Travel Lodge.

### 5.5.2 Peter Scoular Park

A 1982 review of reserve priorities highlighted the desirability of establishing one or more reserves in the area south of Lichfield Street (Christchurch City Council, 1982). This area desperately lacked good landscape features and space for workers and visitors in which to relax.

At this stage, few suitable sites existed except a Council car-park adjacent to the new Civic buildings in Tuam Street. Establishing a reserve at this site had several advantages. It was close to main pedestrian flows, the outward appearance of the Civic buildings would be improved and a large group of workers would be provided with an area to relax in during the day (Fig.32). Funds accumulated from cash contributions in lieu of reserve contribution would pay for a reserve in the same vicinity as contributing sites.



*Figure 32. Peter Scoular Park, with a hierarchy of spaces and located where people pass.*

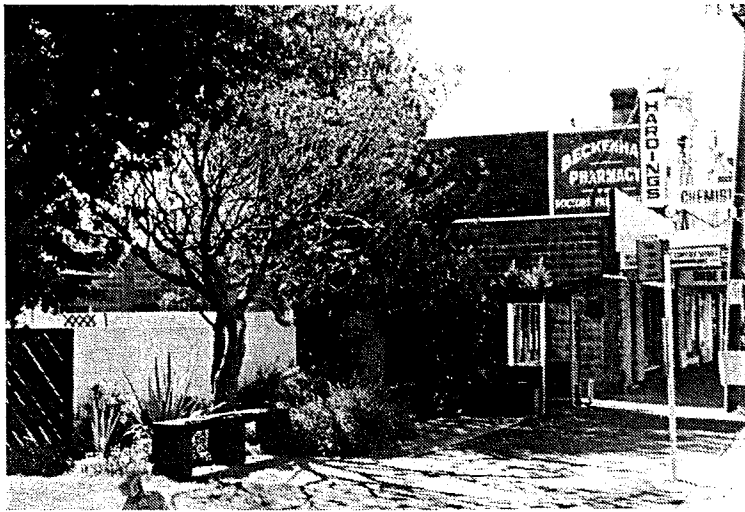
A joint committee formed by Public Utilities, Parks and Recreation and Town Planning Departments recommended that the Tuam Street site be developed for a reserve. This recommendation was subsequently approved by Council and a preliminary design was produced. Other design work such as test bores, service layouts and exact surveying of boundaries was carried out and the final design was approved by relevant Council offices. These included:

- Street Works
- Traffic
- City Architects
- Town Planning
- Property Department
- Parking Department
- Parks and Recreation.

The final step, rezoning the site from Industrial to Recreational, required public notification and a call for objections before the area could be gazetted as reserve. Following this, tenders were called and the contract let. The reserve was completed in 1985.

### 5.5.3 Colombo Street Bus Stop

This small reserve originated from a notified application by a developer to construct eleven apartment units near the Beckenham Shopping Centre (Fig.33). An amended proposal was submitted following discussions between the developer and Council officers. Ten rather than eleven units were provided for and a small reserve created, incorporating a significant oak tree on the Colombo Street frontage. The land was deemed as a reserve contribution by the development company and was to incorporate an existing bus stop. A second notified application was presented and granted subject to the above amendments.



*Figure 33. Colombo Street bus stop, showing how reserve contribution can be used to good effect.*

### 5.6 CONCLUSION

The Christchurch City Council urban renewal team pin-point areas in the inner city in need of attention and are involved in acquiring land for reserves. The Planning Department and Parks and Recreation Department work closely together and with neighbourhood groups to utilise the grants available from central Government and the Council's own resources to establish or upgrade reserves.

Christchurch City Council, by adopting a flexible approach, has recently been successful in establishing new reserves in the inner city. Using a combination of public resources and the established beaurocracy it has been possible to create new pocket parks within the old city frame work.



## 6. DESIGN

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Whyte (1982) states that *'what most attracts people to parks is other people'*. Even city dwellers anxious to be away from congestion are attracted to small spaces not only because of their intimacy but also the interest created by bustle and even congestion in such areas. *'To be alone, a lively place can be the best place to be'* (Whyte, 1982).

The small urban park is a place to see and to be seen, an opportunity for people to meet and a place for quiet reflection (Fig.34). They are also places for minor activities where musicians, entertainers and food vendors may draw people together and provide extra activity. Jackson (1984) states that the urban park is *'where the role of the individual in the community is made visible'*.

So, there are many reasons why people use a particular park. If they are to continually return the park must give stimulation to this differing usage. In short, the diversity of a city and its parks should reflect the diversity of its people.

For a park to be completely successful equal attention must be given to formal design characteristics of the park components as well as the relationships between users. Careful attention paid to location, variety, boundary definition and exposure helps make a park a successful amenity.

Figure 34. Small urban parks are places to see and be seen or a place for quiet reflection. From Jacobs.



## 6.1 LOCATION

A critical design factor for the urban park is the relationship between the site and the street. Parks must be located where people pass or are likely to pass. City street activity can be interesting and entertaining (Fig.35) and a park located on a busy street corner gives the users front row seats to the 'free urban show'. Consideration should be given to the potential change of users during the day and night.

## 6.2 VARIETY

Individual parks should be part of a much larger array of such spaces and there is a need to ensure a variety of quiet and active spaces, green space as well as hard surface (Burton, et al 1977). Variety can be achieved by subtle changes in elevation, tree groupings, size and site furniture. Often small changes result in exaggerated differences when a park is in use. Seymour (1969) concluded that 'Successful parks always look more intricate in use than when they are empty'.



Figure 35. Street activity is interesting and entertaining, seating with corners or 'jogs' attracts greater use.

### 6.3 DEFINITION

The park must stimulate impulsive use, i.e., it must be seen and, at the same time, be inviting. The outer perimeter separating the city and park needs sensitive treatment, strong solid boundaries tend to interrupt sight lines in and out of the park. Simple and subtle changes in elevation or a low border to a water feature could be sufficient to define territorial changes (Fig.36).

Once attracted to the park, the space typically needs a centre or somewhere that is commonly understood to be the centre (Jacobs, 1969). This centre could be as simple as two paths crossing or a more formal area to pause and take in the surroundings. Careful attention should be given to the size of such places as people rarely feel comfortable or choose to stop in the middle of large exposed spaces.

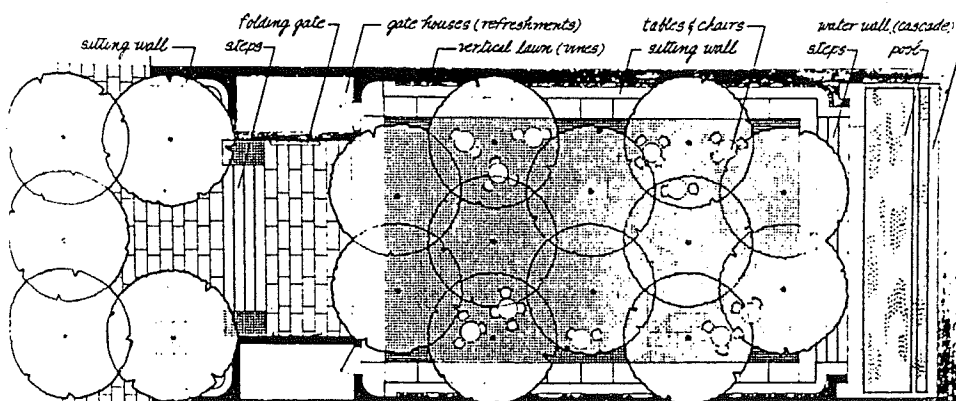
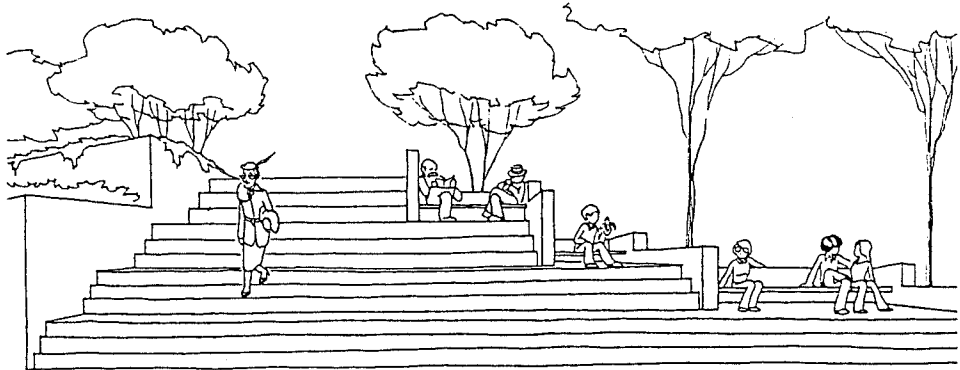


Figure 36. Simple and subtle changes in elevation should be sufficient to define boundaries, Paley Park New York. From Cranz.

Areas for quiet idle use should be set away from main entry points but these idling or 'safe spots' should still be oriented towards areas of action.

Locating facilities that may attract crowds, e.g. a food stand should take special account of siting. They should not be placed at sole entry points because a concentration of people could dissuade other users from entering the park (Fig.37).

*Figure 37. Idling or 'safe spots' should be set away from main entry points.*



#### 6.4 EXPOSURE

Normally people will sit where there is sun. In the absence of winds and drafts, sunpockets may be physically warmer than the exposed city street and equally important they may give the impression of warmth (Fig.38). A protected park can extend its use during the colder periods of the year by reflecting heat off surrounding walls and reradiating heat from darkly coloured hard surfaces (Spirn, 1984).

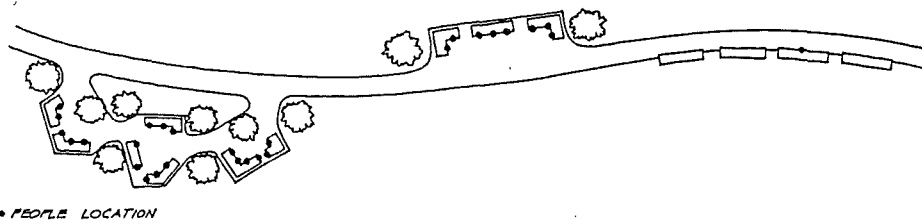
*Figure 38. Cool shady spots can be havens during warmer summer months. From Seymour.*



During the warmer summer months, shady spots operate under the same principles as sunpockets. Sunlight is blocked from surrounding surfaces and reradiation is prevented. Breezes are encouraged, giving a cooler environment during hot humid months (Spirn, 1984). But each locality should be treated according to its own climate, e.g. Christchurch is exposed to a cold easterly and parks often require protection from breezes. Shady spots and sunpockets should be integrated into park design where a selection of both types is located throughout.

## 6.5 PARK COMPONENTS

### 6.5.1 Seating



*Figure 39. Seating in recessed areas are more popular than those that merely float along a path.*

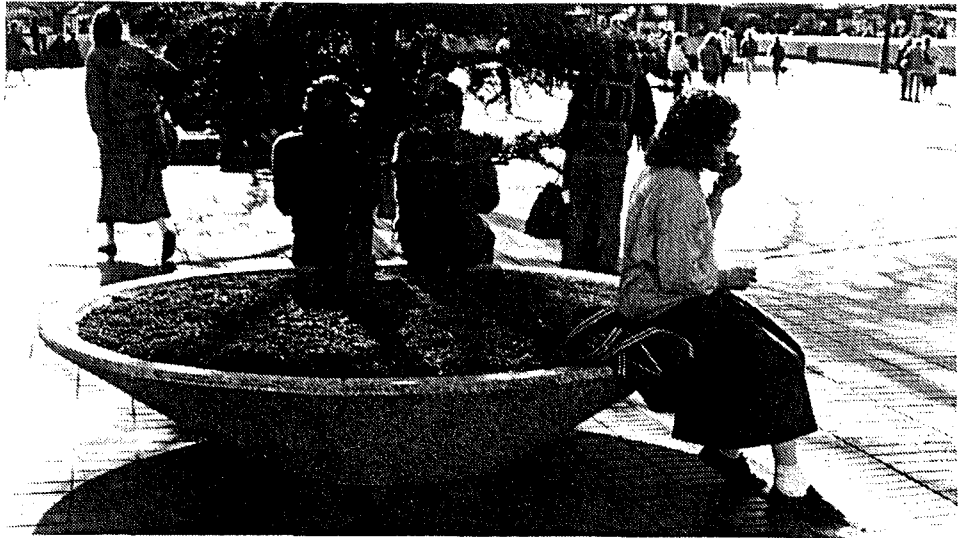
It may be axiomatic, but park designers need to be reminded that 'people tend to sit most where there are places to sit' (Whyte 1982). It does not matter if the design of the park is striking, or the sensitively placed sculpture is wonderfully stimulating, a designer cannot induce people to use the park unless there is somewhere for them to plonk their bodies.

Seating that is placed in recessed areas is often more popular than those that merely float along a path (Fig.39). Corner or 'jogs' whether they be edges or seating tend to attract greater use, and are more inductive to conversation.

Benches should be comfortable, well contoured and arranged in a clustered spatial pattern. Moveable furniture enlarges the choice of sitting spots, it allows people to follow the sun, form groups or sit quietly on their own.

Ledges offer opportunities for sitting at different elevations and ensure that all areas of the park receive maximum use. All ledges should be sittable (Fig.40).

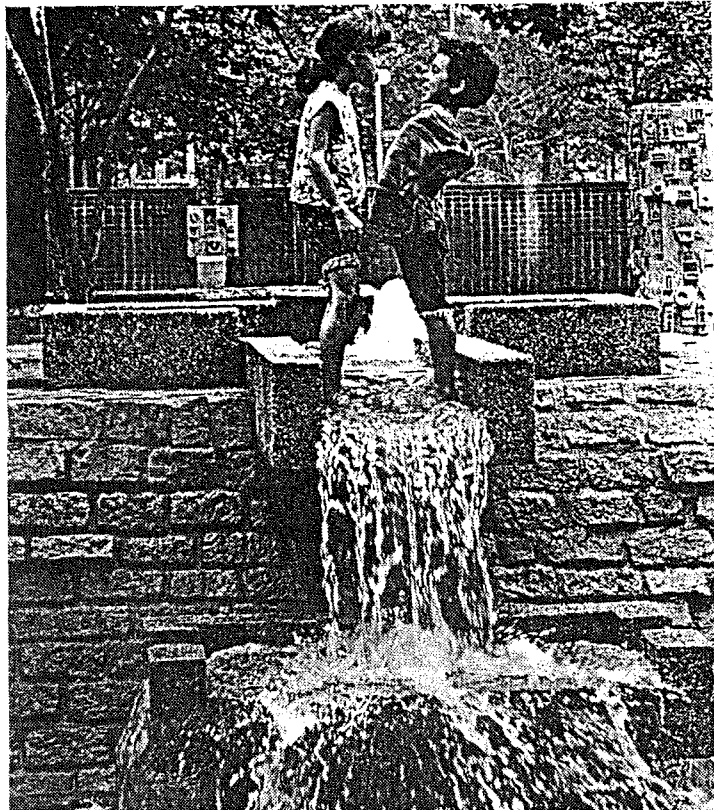
*Figure 40. The design of park components should accommodate all predictable uses, all ledges should be sittable.*



### 6.5.2 Features

Urban parks provide an opportunity to use a wide variety of water features: waterfalls, tranquil pools, rapids, meandering streams, sluiceways and fountains of all kinds. Not only is the look and sound of water pleasing, but people must be able to touch it or even better, wade in it (Fig.41).

*Figure 41. Water looks and sounds pleasing and people should be able to touch it. From Weaver.*



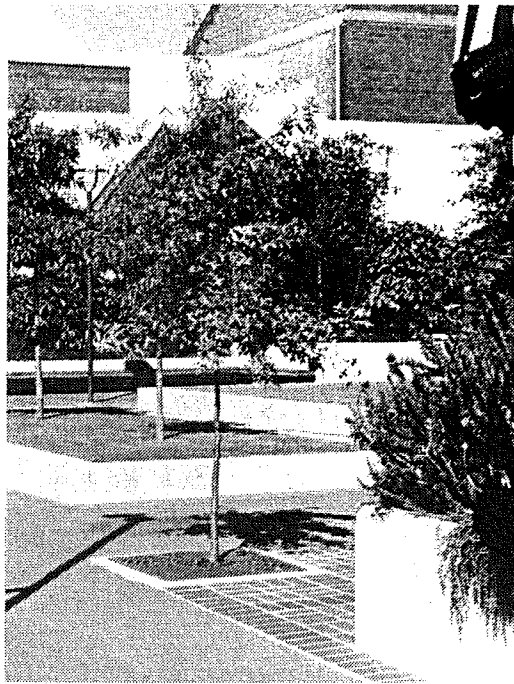
Sculpture can draw people into a park and cause lively discussion and debate. This is another feature that helps ensure a city is a lively and entertaining place.

### 6.5.3 Trees

Trees provide satisfactory enclosure, offer shade and stimulate the human senses.

Pavement should not go right up to the tree and any hard surfaces immediately around the tree must be perforated or covered with a tree grill to allow water and air percolation to the roots (Fig.42).

When selecting trees an awareness of pavement reflection should be taken into account and the potential size of the tree to avoid costly pruning in the future.



*Figure 42. Tree grills allow water and air percolation to roots and handsome paving design adds beauty to the city scape.*

Tree planting should relate closely to the seating spaces. Tree survival rate is best assured by giving attention to appropriate species, adequate planting and good maintenance.

### 6.5.4 Colour, texture and pattern

Patterned paving can indicate directional movement or static space; handsome paving design in parks and entranceways adds to the beauty of a city.



Rough textures are bold and domineering while finer surfaces have a more casual effect. Planter bed walls, pavements and building exteriors offer opportunities for a variety of textured surfaces.

Colour can be used to good effect to either highlight or dampen features. Bright gay colours are lively and interesting but should always be used discerningly as they can quickly overwhelm everything else.

Colour, texture and pattern are significant features in small inner city parks.

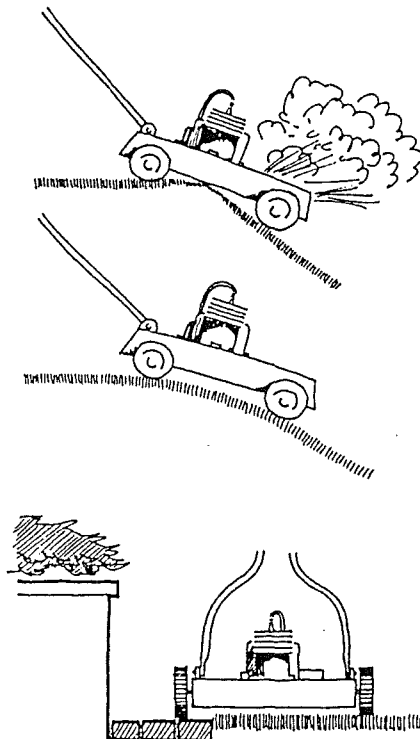
### 6.5.5 Lighting

Inner city parks have a night-time as well as daytime function so lighting must be part of the design solution. Lighting has a functional and aesthetic purpose where good lighting will discourage vandalism, improve security, and extend the time a park can be enjoyed while at the same time enhancing the city.

### 6.5.6 Edges

Smooth slope edges on grass moundings allow for easier mowing and are visually more attractive. A 'mowing strip' avoids excessive maintenance problems (Fig.43).

*Figure 43. Smooth slope edges and a mowing strip are both practical and visually pleasing.*



Edges and corners are important controlling points and often need protection or highlighting to ensure they work effectively.

Areas near seating and places of rest offer opportunity for intricacy and greater attention to detail.

#### 6.5.7 User Friendly

If a feature has a specific purpose, e.g. a rubbish bin, that purpose should be obvious. Often park furniture can attract use that has no bearing on its intended function, e.g. signboards used as seats. Park components should be designed to accommodate all predictable uses.

### 6.6 CONCLUSION

Inner city parks serve the physical needs of people by providing space to recuperate from the bustle of city life and opportunities for social activities. If designed with care they also enrich, give functional and visual diversity to, and instill civic pride in the people who live and work in the city.

Inner city parks should be small, near pedestrian activity or where people congregate, have a definite shape with views in and out, a perceived centre, hierarchy of space and somewhere to sit.

Park components should work efficiently and be designed to serve the needs of the park user.

# *SUMMARY*

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My study set out to demonstrate how inner city reserves in Christchurch have developed. To do this I looked at the recent influences of North American and European reserve establishment on the setting up of urban reserves in New Zealand. The historical ideal and its reflection on the realities of inner city Christchurch reserves was examined. Contemporary issues of implementation and design were then related to legislative and political considerations. The various study components were integrated and help explain how Christchurch city reserves have developed and brought together ideas for future design.

A number of problem areas were identified. There is a need for a wider choice of very different public spaces to reflect the greater diversity of people in today's cities. Many inner city parks are too regular in size, widely spaced and under utilised. The use of standards to establish a ratio of reserve area to population numbers bears little relevance to the modern cosmopolitan city because the standards take no account of changes in demand that occur with time. An inability of councils to compulsorily acquire land for reserve purposes because reserves are not deemed essential works hampers effective planning. Some new developments are exempt from reserve contribution but still add to the pressure on existing city reserves. Furthermore, the definition of open space into only three park types is too restrictive.

Some of the above problems can be attributed to the historical element of inner city reserves. City administrators are dealing with a part of the city that is, comparatively, well endowed with reserves, and, it is

difficult to show inadequacy when quantity is not perceived as a problem. A movement of people to the suburbs at the turn of the century produced a change in reserve function from centres of community activity to one of amenity. Some of the problems are political. It is difficult to administer reserves, a people-oriented activity, in a planning and development system which is building-oriented. Also New Zealand cities have never enjoyed a high level of financial assistance for acquiring small downtown reserves.

Christchurch City has responded with some new innovations to reserve administration and establishment. Land, no longer freely available, is acquired by using a variety of sources and bureaucratic procedures. Individual council departments work together with neighbourhood groups and central government to establish new reserves or revitalise old ones. Inner city parks must invite spontaneous use by responding to a real need and, by being accessible new city parks can stimulate impulsive use. By adopting a New Zealand approach to reserve establishment rather than an overseas one, and responding to real needs, it has been possible to establish successful new reserves.

Finally, having considered all these institutional and historical factors the reality is: appropriate and sensitive reserve design. I put together some general design principles which reflect this need.

To conclude I have:

- (a) shown some of the original objectives and mechanisms for establishment of inner city reserves in Christchurch;
- (b) presented some of the present day objectives of inner city reserves; and
- (c) examined the procedures and mechanisms whereby new reserves are established.

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# *APPENDICES*

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## APPENDIX A:

### Canterbury Association Membership

The following is a list of the Members of the Canterbury Association:

THE ARCHBISHOP OF CANTERBURY, PRESIDENT.	
The Archbishop of Dublin.	Right Hon. S.Herbert, M.P.
The Duke of Buccleuch.	*Hon. Sir Edward Cust.
The Marquis of Cholmondeley.	The Dean of Canterbury.
The Earl of Ellesmere.	*C.B.Adderley. M.P.
The Earl of Harewood.	W.H.Pole Carew, M.P.
The Earl of Lincoln, M.P.	*Hon. R.Cavendish.
Viscount Mandeville. M.P.	*Hon. F.Charteris. M.P.
The Bishop of London.	*Thos. Somers Cocks. M.P.
The Bishop of Winchester.	*Rev. E.Coleridge.
The Bishop of Exeter.	*Wm. Forsyth.
The Bishop of Ripon.	*Rev. G.R.Gleig.
The Bishop of St. David's.	*J.R.Godley.
*The Bishop of Oxford.	*E.Halswell.
Bishop Coleridge.	Ven. Archdeacon Hare.
Lord Ashburton.	*Rev. E.Hawkins.
Lord Lyttelton.	Rev. Dr. Hinds.
Viscount Alford. M.P.	Rev. Dr. Hook.
*Lord Courtenay, M.P.	*John Hutt.
Lord Ashley, M.P.	*G.K.Rickards. M.P.
Lord J.Manners.	A.Stafford. M.P.
*Sir Walter Farquhar, Bart.	Hon. J.Talbot.
Sir W. Heathcote, Bart., M.P.	*E.Jerningham Wakefield.
Right Hon. H. Goulburn, M.P.	Ven. Archdeacon Wilberforce.

(Those marked \* form the Committee of Management.)

The Secretary is Mr. H.R. Alston; and the Office of the Association is at No. 41, Charing Cross, London.



## APPENDIX B:

### Cronology of early legislation relating to Christchurch reserves.

The following are the main legislative events relating to Christchurch reserves:

- 1840 After signing the Treaty of Waitangi, British sovereignty proclaimed New Zealand a separate colony.
- 1841 Legislation prevented Crown Grants being issued for land considered by land commissioners to be required for public utility.
- 1846 First New Zealand Constitution Act. N.Z. was divided into two Provinces; New Ulster (N.I.) and New Munster (land south of Patea River). Act was suspended for five years.
- 1852 Constitution Act passed. Colony was divided into six provinces, each governed by an elected superintendent and provincial council. J.E. Fitzgerald was elected first superintendent of Canterbury Province in 1853.
- 1854 Act for the regulation of and disposal of waste lands.
  - \* Public Reserves Act to regulate (in some provinces) the management of certain lands reserved for public purposes.
- 1855 Canterbury Association Ordinance - assets of Canterbury Association handed over to Provincial Government.
  - \* Canterbury Association Reserves Ordinance - handing over of reserved land to Provincial Government.
- 1858 Wasteland Act. Repealing of 1854 Act, important paragraphs in the new act include: paragraph 12 (allowing Government to purchase waste land for public utility) and paragraph 13 (allowing the sale of lands held for public reserve).
- 1862 Christchurch gazetted as Municipality - John Hall elected first Chairman.

\* copies in appendix C

## APPENDIX C:

## Early Legislation

The following are copies of original ordinances and acts relating to the regulation of early Canterbury reserves.

No. 7.

18<sup>th</sup> VICTORIÆ.

Sess. I.

*Public Reserves.*

## No. VII.

**PUBLIC RESERVES.** AN Act for regulating the Management of certain Lands reserved for Public Purposes in the several Provinces of New Zealand.

[14<sup>th</sup> September, 1854.]

Preamble.

**WHEREAS** in the several Provinces of New Zealand lands have been heretofore and may hereafter be reserved for various purposes of public utility, the legal title whereof is vested in Her Majesty: And whereas it is expedient to establish in each of the said Provinces a system of local management of such of the said lands as are or may be held for purposes of local concern:

**BE IT ENACTED** by the General Assembly of New Zealand as follows:—

Governor may grant to Superintendents Her Majesty's interests in demesne lands.

1. It shall be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time and from time to time after the passing of this Act, in the name and on the behalf of Her Majesty, to grant to the Superintendent of each Province in New Zealand, and his successors, all such estate and interest as Her Majesty now hath or may have in all or any of the lands within such Province forming part of the demesne lands of the Crown, which shall have been at any time heretofore and now are or may hereafter be reserved or set apart for purposes of public utility within the said Province, except such of the said lands as shall have been and now are or may hereafter be reserved for purposes of military defence, the service of any office or department of the General Government, or for the benefit of the native inhabitants of the said Colony.

Also in lands reclaimed from the sea &c.

2. It shall be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant and dispose of any land reclaimed from the sea, and of any land below high-water mark in any harbour, arm, or creek of the sea, or in any navigable river or on the sea coast within the said Colony, either to the Superintendent of the Province and his successors, in or to which such land is situate or adjacent, or in such other manner to such other persons and upon such terms as shall be thought fit: Provided always that every such grant or disposition within any Province, other than to the Superintendent thereof, shall be made in pursuance of a joint recommendation by the Superintendent of such Province and of the Provincial Council thereof: Provided also that nothing herein contained shall prejudice the rights of persons claiming water frontage.

Such grant to be valid against Her Majesty, her heirs and successors.

3. Every such grant shall be sealed with the Public Seal of the Colony, and shall be valid and effectual as against Her Majesty, her heirs and successors, and shall have the same force and effect as a direct grant from the Crown, and for the purposes of registration shall be deemed to be a grant from the Crown, and every such grant shall declare the purposes for which such lands shall be held, whether general or specific, as the case may be.

Superintendent to be deemed and taken to be a body corporate.

4. The Superintendent of each of the said Provinces and his successors shall, for the purposes of this Act, be deemed and taken to be a body corporate, and shall take and bear the name of the Superintendent of such Province, and by that name shall have perpetual succession, and shall be capable in law to do and to suffer, in respect of the land to be vested in him by virtue of this Act, whatever may be lawfully done and suffered by a body corporate.

5. Every

1854.

18° VICTORIÆ.

No. 7.

*Public Reserves.*



5. Every Superintendent of a Province in whom any such lands shall become vested, shall hold the same upon trust for the public service of such Province for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject nevertheless to the provisions hereinafter contained.

Superintendent shall hold lands upon trust for the public service of his Province.

6. The management and administration of such lands within each Province so to be vested in the Superintendent thereof shall be carried on and conducted by such Superintendent and with the advice of his Executive Council in case there shall be such Council. And such management and administration shall continue until other provision be made in that behalf by some Act or Ordinance of the Provincial Council of such Province, to be passed in manner hereinafter mentioned.

Management and administration to be carried on by the Superintendent with his Executive Council (if any).

7. No lands so to be granted as aforesaid within any Province to the Superintendent thereof and his successors shall be alienated by way of sale or mortgage or by lease for any longer term than three years, except by the authority of some Act or Ordinance of the Provincial Council of such Province to be passed in that behalf, nor except by deed signed by the Superintendent and sealed with the Public Seal of the Province: Provided always that no Act or Ordinance authorizing any sale shall come into operation till the time in which such Act or Ordinance may be disallowed by the Governor shall have expired.

Land not to be alienated for more than three years, except as herein provided.

8. The specific purposes for which any such lands within any Province shall be held may be changed, and the same lands may be appropriated to other and different purposes of public utility for the public service of such Province: Provided that no such change or new appropriation shall be made without the authority of an Act or Ordinance of the Provincial Council of such Province, to be duly passed in that behalf.

Purposes may be changed.

9. The Superintendent of each Province shall, as soon as conveniently may be, lay before the Provincial Council thereof full and true particulars of all transactions matters and things whatsoever in any way relating to the management and administration of the said lands so to be vested in him as aforesaid.

Superintendent to lay particulars of all matters before Provincial Council.

10. All the rents issues profits and proceeds arising from such lands within each Province, and from the sale mortgage or other disposition thereof, shall be from time to time paid and accounted for to the Provincial Treasurer of such Province, or other person acting in that behalf, and shall be appropriated in such manner as the Superintendent and Provincial Council of such Province shall by any Act or Ordinance to be duly passed in that behalf direct.

Appropriation of rents &c.

11. The Superintendent and Provincial Council of any Province may, by any Act or Ordinance duly passed in that behalf, regulate the management and administration of the lands so to be vested in the Superintendent of such Province.

Administration to be regulated by Act or Ordinance of Provincial Council.

12. Nothing herein contained shall in any way prejudice or affect the right of any person or body corporate in to or over any such lands, except the right of Her Majesty, her heirs and successors.

Rights of others than Her Majesty not to be affected.

13. Whenever any land shall have been set apart by the Governor of New Zealand as a public reserve, and shall, by Proclamation to be published in the New Zealand Government *Gazette*, have been declared to have been so set apart as a reserve made for the General Government, such land shall not thereafter be alienated by way of sale mortgage lease or otherwise: Provided always that if, at any future time, any such land shall not be required by the General Government, it shall be lawful for the Governor, after receiving for the General Government a reasonable sum for the improvements made thereon, to grant the same

Reservation to be proclaimed in New Zealand Government *Gazette*.

No. 8.

18° VICTORIÆ.

Sess. II.

*Law Practitioners.*

same or any part thereof to the Superintendent of the Province in which such land is situate, and his successors, and the said land so granted shall thenceforth be deemed in all respects to have been land granted under the first section of this Act.

Grants already made to Trustees, and not accepted or acted on before 1st January, 1855, to be void.

14. In case any grant shall have been made by the Governor of the said Colony of any land which, but for such grant, would have come within the provisions of this Act, to any 'Trustee or 'Trustees for any purpose of public utility within the said Colony, if such grant shall not be accepted or acted on by such 'Trustee or 'Trustees on or before the first of January, one thousand eight hundred and fifty-five, such grant shall be and is hereby declared to be void and of no effect, and the lands included therein may be granted and disposed of according to the provisions of this Act in like manner as if no such grant had been made.

Interpretation of word "Governor."

15. The term "Governor" throughout this Act shall be held to include the Officer Administering the Government of this Colony for the time being.

Short Title.

16. This Act shall be entitled "*The Public Reserves Act, 1854*," and may be cited and referred to by that title.



PROVINCE OF CANTERBURY.

ANNO NONO DECIMO.

VICTORIÆ REGINÆ:

SESSION V., No. 2.

Canterbury Association's Reserves  
Ordinance.

Published by Authority.

ANALYSIS.

- |  |  |
|--|--|
| <p><i>Preamble.</i></p> <ol style="list-style-type: none"> <li>1. <i>Lands in the Schedule shall be disposed of by way of lease or sale.</i></li> <li>2. <i>No buildings to be erected on the wharves at Lyttellon.</i></li> <li>3. <i>Government domain, subject to Grant to Christ's College, to be reserved for ever as the site of the residence of the chief Officer of the Government.</i></li> <li>4. <i>Hagley Park to be reserved for ever as a public park.</i></li> <li>5. <i>Lands in Hagley Park may be let.</i></li> <li>6. <i>Certain streets to be extended to meet the road round the boundary of the town reserves.</i></li> <li>7. <i>Road along the north, east, and south boundary of the town reserves, to be widened and denominated the Town Belt.</i></li> <li>8. <i>A portion of the Government Domain to be granted to Christ's College.</i></li> </ol> | <ol style="list-style-type: none"> <li>9. <i>A portion of the Town Reserves to be granted to the Free Church of Scotland.</i></li> <li>10. <i>Lands in Schedule B to the Canterbury Association's Ordinance not mentioned in this Ordinance, or in the Schedule, to be appropriated to the purposes for which they were reserved.</i></li> <li>11. <i>Sales and leases to be made by the Superintendent, in his name, and under the seal of the Province.</i></li> <li>12. <i>Proceeds to be paid to the Provincial Treasurer for the Canterbury Association's Debentures Fund.</i></li> <li>13. <i>Interest on Debentures to be paid by rents. Principal by proceeds of sales.</i></li> <li>14. <i>Moneys to be issued by the Treasurer.</i></li> <li>15. <i>Accounts to be laid before the Provincial Council.</i></li> <li>16. <i>Title.</i></li> </ol> |
|--|--|

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Canterbury Association's Ordinance, Session IV., No. 6," and by virtue of certain Deeds in the Schedules to the said Ordinance annexed, certain buildings, lands, tenements, and hereditaments in the said Schedules particularly

set forth and described, are vested in the Superintendent of the said Province, to be held by him, in trust, for the public uses thereof, upon the terms and conditions set forth in a certain Act of the General Assembly, entitled the "Public Reserves Act, 1854," to be managed and disposed of according to the provisions of the said Act: And Whereas, in pursuance of the provisions of the said Ordinance, certain Debentures have been issued, or are about to be issued, amounting in the whole to the sum of Twenty-eight Thousand Nine Hundred and Thirty-nine Pounds Ten Shillings and Seven Pence, bearing interest at the rate of Six Pounds sterling per centum per annum, and it is expedient that the buildings, lands, tenements and hereditaments aforesaid should be managed and disposed of in the manner hereinafter provided, and that the proceeds thereof should be applied to discharge the principal and interest of such Debentures and to no other purpose whatsoever,

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof as follows:—

Lands in the Schedule shall be disposed of by way of Lease or sale.

1. Such of the said buildings, lands, tenements, and Hereditaments as are described in the Schedule to this Ordinance, shall be disposed of by way of lease, not exceeding thirty-two years in possession, at rack rent, or sale, or by way of Lease with a Covenant for the purchase of the demised premises within the term of such Lease: Provided that no part of such land shall be sold for a less sum than at the rate of Fifty Pounds sterling per acre, nor until such buildings, lands, tenements and hereditaments, or proposed Leases of such buildings, lands, tenements, and hereditaments, with or without Covenants for purchase, shall have been first submitted to public auction at such upset price or rent (not less in the case of sale or Covenant for purchase than the rate aforesaid), and subject to such conditions as shall be determined on by the Superintendent: Provided that if no advance be made on the upset price or rent at such auction, the Superintendent shall have power at any time thereafter, and from time to time, to sell, alienate, or let at such upset price or rent as aforesaid: and provided also that no such Lease, with such purchasing clauses, shall be for a longer term than ten years.

No buildings to be erected on the wharves at Lyttelton.

2. It shall not be lawful to erect upon any part of the land herein described as the wharves at Lyttelton, any building of greater height than the level of the footway on the North side of Norwich Quay, opposite such building: and every Conveyance or Lease of any part of such lands shall be made subject to the condition in this Clause contained.

3. The Land commonly known and described in the Schedule B to the Canterbury Association's Ordinance as the Government Domain, No. 25, shall, except such part as shall be comprised in any Grant which the Superintendent is hereinafter authorised to make to the Corporation of Christ's College, Canterbury, be reserved for ever as the site of the residence of the Superintendent or other Chief Officer of the Government of the said Province: Provided that not more than twenty acres of such land shall be occupied at one and the same time as gardens, or cultivated as farm land, or used except as grass or pasture land, or for the purpose of plantations and pleasure grounds.

Government domain, subject to Grant to Christ's College, to be reserved for ever as the site of the Residence of the Chief Officer of the Government.

4. The land commonly known as Hagley Park, being part of the land numbered 24, and described as the "Town Reserves" in the Schedule B to the Canterbury Association's Ordinance, bounded on the west and south by the road reserved along the boundary of the town reserves; on the north by the road reserved along the banks of the River Avon; on the east and south-east by the River Avon and the Lower Lincoln Road, shall be reserved for ever as a public park, and shall be open for the recreation and enjoyment of the public: Provided that it shall be lawful for the Superintendent to set apart so much of the said land as he shall think fit for plantations, gardens, and places for public amusement, and to make Regulations for the use and preservation thereof, and to lay out public roads through the said Park, and to make Regulations from time to time for the depasturing of cattle therein.

Hagley Park to be reserved for ever as a Public Park.

5. It shall be lawful for the Superintendent, anything herein contained to the contrary notwithstanding, to let the lands herein described as Hagley Park and the Government Domain, or any part thereof respectively, upon lease, for any term not exceeding seven years in possession, at the best improved rent which can reasonably be obtained for the same: Provided that every such lease shall contain a condition that the Land so let shall be given up at the expiration of such Lease laid down with good meadow grass, and fenced in with a sufficient fence within the meaning of the "Cattle Trespass Ordinance," in good repair.

Lands in Hagley Park may be let.

6. The streets hereinafter mentioned in the town of Christchurch shall be extended in straight lines to meet the road reserved round the boundary of the town reserves, that is to say: Durham-street, Colombo-street, Manchester-street and Madras-street in a northerly direction; Chester-street, Armagh-street, Gloucester-street, Worcester-street, Hereford-street, Cashel-street, Lichfield-street, Tuam-street and St. Asaph-street in an easterly direction; Barbadoes-street, Madras-street, Manchester-street, Colombo-street, Durham-street, Montreal-street and Antigua-street in a southerly direction; and the land

Certain streets to be extended to meet the road round the boundary of the town reserves.

Q



occupied by the continuation of the said streets, and all such other land within the said town reserves as shall be laid out and declared by the Superintendent to be public streets, shall be reserved as public roads, and shall thenceforth be and be deemed to be public highways to all intents and purposes whatsoever.

Road along the north, east, and south boundary of the town reserves, to be widened and denominated the Town Belt.

7. The road reserved along the north, east, and south boundary of the town reserves shall be extended to two chains in width throughout its whole length, and shall be denominated the "Town Belt:" Provided that it shall be lawful for the Superintendent to reserve therefrom so much land as he shall think fit, and to lay out the same in plantations: Provided always, that the road along the said Town Belt shall not thereby be made narrower than thirty-three feet in any part thereof.

A portion of the Government domain to be granted to Christ's College.

8. It shall be lawful for the Superintendent to convey, by way of free Grant, to the Corporation of Christ's College, Canterbury, a portion of the lands herein described as the "Government Domain," at Christchurch, not exceeding ten acres in extent, to be held by the said Corporation in trust as a site for the said College, and for grounds attached thereto: Provided that it shall be a condition of the said Grant that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said Lands shall revert to the Superintendent as though the said Grant had never been issued, and shall thenceforth constitute a part of the Government domain, as herein described.

A portion of the town reserves to be granted to the Free Church of Scotland.

9. It shall be lawful for the Superintendent to convey, by way of free Grant, a portion of the lands herein described as the town reserves, not exceeding three acres in extent, to be held in trust as a site for a church and schools, and for the residences of a Clergyman and Schoolmaster in connection with the Free Church of Scotland: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within three years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued, and may, at any time thereafter, be sold and disposed of as a portion of the town reserves, under the authority of this Ordinance.

Lands in Schedule B to the Canterbury Association's Ordinance not mentioned in this Ordinance or in the Schedule, to be appropriated to the purposes for which they were reserved.

10. All the lands described in the Schedule B to the "Canterbury Association's Ordinance" which are not mentioned in this Ordinance or in the Schedule hereto annexed, shall, until further provision be made in that behalf, be appropriated to the several purposes for which the same were severally reserved.

11. All sales and Leases hereby authorised to be made shall be made by the Superintendent, upon such terms and conditions, subject nevertheless to the conditions in this Ordinance contained, as the Superintendent shall, with the advice and consent of the Executive Council direct. And all such Conveyances and Leases shall be made by and in the name of the Superintendent, and shall be executed under the public seal of the Province.

Sales and Leases to be made by the Superintendent in his name, and under the seal of the Province.

12. The proceeds of all sales and all rents payable under the authority hereof, shall be paid to the Provincial Treasurer, who is hereby authorised to demand and receive, and to give receipts for the same; and shall be placed by him to the credit of a separate fund to be called the "Canterbury Association's Debentures Fund."

Proceeds to be paid to the Provincial Treasurer for the Canterbury Association's Debentures Fund.

13. The proceeds of all rents arising from the said property shall, after defraying the charges incurred in carrying out the provisions of this Ordinance, be applied solely to discharge the interest on the said Debentures, and, except as herein provided, to no other purpose whatsoever. And the proceeds of all sales of the said property shall, after defraying such charges as aforesaid, be applied solely to discharge the principal of such Debentures, and to no other purpose whatsoever: Provided that upon a Resolution of the Provincial Council to that effect, it shall be lawful to apply so much of the proceeds of such sales, and of any rents in excess of the annual interest from time to time as shall be named in such Resolution to the payment of the said Debentures, or of the interest due thereon.

Interest on Debentures to be paid by rents. Principal by proceeds of Sale.

14. All moneys of the said fund shall be issued by the Treasurer, in pursuance of Warrants under the hand of the Superintendent, to such persons, and in such portions as shall be mentioned in such Warrants. And the Treasurer shall be allowed credit in his Accounts for such sums only as he shall have so issued in pursuance of such Warrants.

Moneys to be issued by the Treasurer.

15. Full and detailed Accounts of the receipts and expenditure on account of the said Fund, shall be laid before the Provincial Council within ten days after the opening of every Session of the same.

Accounts to be laid before the Provincial Council.

16. This Ordinance shall be entitled and may be cited as the "Canterbury Association's Reserves Ordinance, Session V., No. 2."

Title.

JAMES EDWARD FITZGERALD.

Superintendent.

Passed the Provincial Council on the Seventeenth day of October, and assented to by his Honor the Superintendent, in the name of his Excellency the Governor, on the Twenty-third day of October, in the year of our Lord one thousand eight hundred and fifty-five.

CHARLES BOWEN,  
Speaker.

GEORGE A. E. ROSS,  
Clerk to the Council.

#### SCHEDULE.

No.	A.	R.	P.
5. The Jail ... ..	0	3	28
10. Association's Offices ... ..	0	0	16
16. The Association's Store ... ..	0	0	30
29. The Hospital ... ..	0	1	17
32. Wharves and Stores ... ..	1	0	10
33. Boathouse, &c... ..	0	1	27
34. Agent's House and Offices, Immigration Barracks, &c. ... ..	1	2	28
21. Botanical Garden ... ..	23	0	0
Part of the Lands described as—			
24. Town Reserves ... ..	897	0	0
—Being all that part thereof not including the lands described in this Ordinance severally, as Hagley Park, the Town Belt, or as public highways, and not including the land which the Superintendent is hereby authorised to grant to the Members of the Free Church of Scotland.			
39. The Store at Sumner ... ..	0	3	5
44. The Wharf, Christchurch ... ..	0	0	25
47a. Heathcote Wharf ... ..	0	1	12

*This Ordinance was amended by the "Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11, 1857," and has been further amended by the "Canterbury Association's Reserves Amendment Ordinance, 1858, Session IX., No. 3."*

Christchurch: Printed under the Authority of the Provincial Government of the Province of Canterbury, at the "Times" Office, Gloucester Street and Cathedral Square, by CHARLES LUCAS, Official Printer for the time being to the said Government.